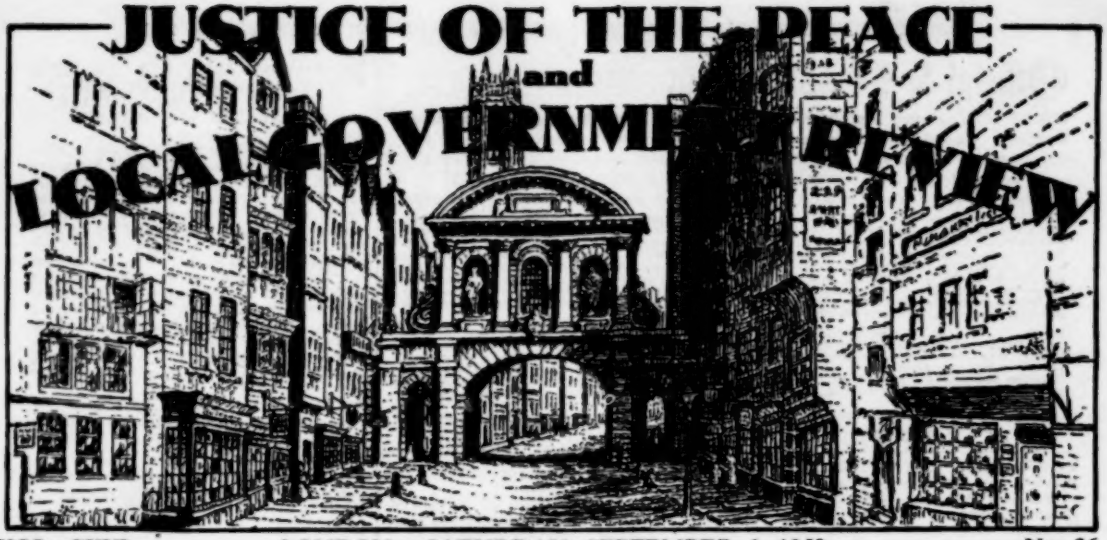
JUSTICE OF THE PEACE and LOCAL GOVERNMENT REVIEW



VOL. CXVI LONDON: SATURDAY, SEPTEMBER 6, 1952 No. 36

CONTENTS

	PAGE
NOTES OF THE WEEK	563
ARTICLES :	
Some recent Acts of Parliament	566
Stealing Salvage	568
Should Members' names be mentioned in the Minutes	569
The Cost of Child Care	570
Chief Constables' Annual Reports	571
Coronations, Ceremonial and Conferences	573
Easement of Light	575
NEW COMMISSIONS	567
LAW AND PENALTIES IN MAGISTERIAL AND OTHER COURTS	572
REVIEWS	573
PERSONALIA	575
BOOKS AND PAPERS RECEIVED	575
PRACTICAL POINTS	577

REPORTS

Court of Appeal

Aston Charities Trust, Ltd. v. *Stepney Borough Council*—Compulsory Purchase—Compensation—" Land devoted to a purpose of such a nature that there us no general demand . . . for land for that purpose "—" Reinstatement in some other place " . . 441

Queen's Bench Division

James v. *Bowkett*—Justices—Procedure—Offence triable summarily or on indictment—No formal application by prosecutor for summary trial—Election by defendant to be tried summarily . . 445

Court of Appeal

Baker v. *Baker*—Divorce—Desertion—Parties living under same roof—House owned by both spouses—No allowance paid to wife—Provision of meals separately 447

Official & Classified Advertisements, etc.

Official Advertisements (Appointments, Tenders, etc.), 2s. per line and 3s. per displayed headline. Classified Advertisements, 24 words 6s. (each additional line 1s. 6d.) Box Number, 1s. extra *Latest time for receipt* 10 *a.m. Thursday*

Published by JUSTICE OF THE PEACE LTD., Little London, Chichester, Sussex

Telephone : CHICHESTER 3637 (P.B.E.) *Telegraphic Address :* JUSLOCGOV, CHICHESTER

NOTIFICATION OF VACANCIES ORDER, 1952

The engagement of persons answering these advertisements must be made through a Local Office of the Ministry of Labour or a Scheduled Employment Agency if the applicant is a man aged 18-64 or a woman aged 18-59 inclusive unless he or she, or the employment, is excepted from the provisions of the Notification of Vacancies Order, 1952. *Note :* Barristers, Solicitors, Local Government Officers, who are engaged in a professional, administrative or executive capacity, Police Officers and Social Workers are excepted from the provisions of the Order.

INQUIRIES

YORKSHIRE DETECTIVE BUREAU (Hoylands), **Ex-Detective Sergeant.** Member of B.D.A., F.B.D. and Associated American Detective Agencies. DIVORCE—CONFIDENTIAL ENQUIRIES, ETC., anywhere. Over 400 agents in U.K. and abroad. 1, Mayo Road, Bradford. Tel. 26823, day or night.

PARKINSON & CO., East Boldon, Co. Durham. Private and Commercial Investigators. Instructions accepted from Solicitors only. Tel. : Boldon 7301. Available day and night.

BOOKS WANTED

OLD VOLUMES (single or in sets) of the Justice of the Peace (and Reports) 1837-1920 purchased. Please write to Box A.14, Office of this paper.

COUNTY BOROUGH OF EAST HAM

Deputy Town Clerk

APPLICATIONS are invited from Solicitors, not over forty-five years of age, with considerable experience in Local Government Law and Practice, for the appointment of Deputy Town Clerk on a salary scale £1,566 13*s.* 4*d.* × £100 (2) × £50 (1)—£1,816 13*s.* 4*d.*

Applications, giving the names of three persons to whom reference can be made, should be sent to the undersigned not later than September 11, 1952.

R. H. BUCKLEY,
Town Clerk.

Town Hall,
East Ham, E.6.
August 27, 1952.

BOROUGH OF WIDNES

Appointment of Assistant Solicitor

APPLICATIONS are invited for the post of Assistant Solicitor on the permanent establishment at a salary within A.P.T. Grades VI—VII.

The commencing salary will be fixed having regard to the qualifications and experience of the successful candidate.

The appointment is subject to the Local Government Superannuation Act, 1937, and to the National Scheme of Conditions of Service as adopted by the Council and is terminable by one month's notice. The successful candidate will be required to pass a medical examination.

Applications, stating age, qualifications and experience, and giving the names of two persons to whom reference can be made, must be delivered to the undersigned not later than Wednesday, September 10, 1952.

Canvassing, directly or indirectly, will disqualify.

FRANK HOWARTH,
Town Clerk.

Town Hall,
Widnes.
August 16, 1952.

PROBATION AREA FOR THE CITY OF EDINBURGH AND THE COUNTIES OF EAST LOTHIAN, MIDLOTHIAN AND PEEBLES

APPLICATIONS are invited for the appointment of a full-time salaried Female Probation Officer. Applicants must have attained the age of twenty-three and have not attained the age of forty-five and have had experience of similar work. The person selected for appointment will require to be medically examined as to her physical fitness. The appointment will be in accordance with the Probation (Scotland) Rules, 1951, and within the salaries laid down, *viz.*, £320 to £500 per annum with placing according to age and/or service in probation work. Applications, stating qualification and experience, and with references, must be lodged with the undersigned not later than September 22.

J. STORRAR,
Clerk to the Probation Committee.

City Chambers,
Edinburgh.

EAST SUFFOLK MAGISTRATES' COURTS' COMMITTEE

Justice of the Peace Act, 1949

APPLICATIONS are invited from persons, qualified in accordance with the above Act, for the whole-time appointment of Clerk to the Justices for a combined area consisting of the Borough of Lowestoft and the Petty Sessional Divisions of Beccles, Bungay, Blything and Mutford and Lothingland. Office accommodation, with a central office in Lowestoft and an adequate staff, will be provided by the Committee. The Clerk will be required to take up his duties on or about April 1, 1953. The combined area has a population of 90,000 to 100,000. (1951 figures not yet available). The personal salary paid will be in accordance with the scales to be settled arising out of the negotiations now in progress concerning Justices' Clerks' salaries. Travelling and other expenses will be paid. The appointment will be permanent and superannuable in accordance with the above Act. Applications, giving full particulars of age, qualifications and experience, and the names of two referees, should be made to me not later than September 30, 1952.

G. C. LIGHTFOOT,
Clerk of the East Suffolk Magistrates' Courts' Committee.

County Hall,
Ipswich.

Justice of the Peace
and
Local Government Review
[ESTABLISHED 1837.]

VOL. CXVI. No. 36. LONDON : SATURDAY, SEPTEMBER 6, 1952 Price 2s. 3d. (including Reports) Price 1s. 3d. (without Reports)

Pages 563-578 Offices : LITTLE LONDON, CHICHESTER, SUSSEX. [Registered at the General Post Office as a Newspaper]

NOTES of the WEEK

An Indictment Quashed

An unusual set of circumstances led to the quashing of an indictment at the recent quarter sessions held at King's Lynn. The defendant was charged on an indictment, the first count of which alleged the stealing of a car from Army barracks, and the second the unlawful possession of certain Army property.

Before the justices, a son of the defendant was called as a witness for the prosecution. The defendant was committed for trial. It transpired that during the police investigations the accused's son had been charged in another county, jointly with his father, with larceny of the car, but neither the son nor the father had been brought before a justice on this charge. The police had decided not to proceed with this charge as the father was being charged with receiving in the county in which the car was found and there was insufficient evidence of stealing against either. The police sent a letter to the accused and his son stating that they need not surrender to their bail before the justices.

At quarter sessions, counsel for the accused moved to quash the indictment on the ground that the committal was bad because the son had been called to give evidence for the prosecution on the charge of receiving the car whilst still in possible peril himself on the charge of larceny. Counsel argued that the charge of larceny was still pending in spite of the letter from the police, and it could only be dismissed by a justice of the peace, it not being within the power of the police to decide whether a charge shall proceed to trial or not, though they could in a proper case and with the consent of the court, offer no evidence. The effect of this procedure, said counsel, was that all the committal proceedings were tainted because the prosecution had called as a witness to give evidence of his own part in the affair a person charged with an offence against whom proceedings were still pending ; and one who was, in fact if not strictly in law, concerned in the charge on which he was called. It was pointed out that this was contrary to the principle enunciated in *R.* v. *Grant* [1944] 30 Cr. App. R. 99, and *R.* v. *Sharrock* [1947] 32 Cr. App. R. 124. Those cases were based on the rule that a person charged shall not, before the determination of the charge against him, be called as a witness of the facts which are the subject of the charge (except, of course, as a witness for the defence on his own application). A person still under a charge was exposed to the pressure of his own hopes and fears and the possible effects of his evidence. This factor clearly ceased to operate when the case against him was determined. Reference was made to the rules set out at *Archbold*, 32nd edn., p. 463, in further support of this proposition.

It was further submitted that although the evidence of the son related strictly to the first count only, the depositions indicated that the two counts were so connected that it would not be right to proceed on the second count alone but that the court in its discretion should quash the whole indictment.

The submission was accepted by the court, which quashed the indictment.

From the report with which we have been furnished, it seems quite clear that the police had actually preferred the charge against the defendant's son and bailed him to appear before a magistrates' court. The position would have been different if the police, acting under s. 45 of the Criminal Justice Act, 1925, had released him on bail, without preferring a charge, on condition that he appeared at the police station to be charged unless he received notice from the police that his attendance would not be required.

Successive Provisional Driving Licences

In his presidential address at the Annual Conference of the Justices' Clerks' Society last year (*see* 115 J.P.N. 399) Mr. James Whiteside made some important observations about motor drivers. He called attention to the fact that a man who had been disqualified from driving until he had passed a driving test might continue to drive for some time by applying for a succession of provisional licences. This fact has been strikingly illustrated by a case heard recently at Raglan where a man was said to have driven for twelve years without ever having obtained an ordinary driving licence. This was not an instance of a man driving while under a disqualification until he passed a driving test, but of a man who had never passed any civilian driving test, but had, apparently, obtained a whole series of provisional licences.

The offences in respect of which he was fined were those of driving with a provisional licence when not accompanied by an experienced driver, and of not carrying " L " plates.

The object of granting provisional licences (apart from those granted to drivers disqualified until they pass a test) is to enable applicants to learn to drive, not to enable them to avoid undergoing a test and it is certainly not in keeping with the intention of the law for a person to drive under the authority of a long series of provisional licences, even if he is accompanied by a licensed driver, which in the Raglan case he was not.

Irregular Committal for Sentence

Before the report of *R.* v. *Kent JJ. Ex parte Machin* [1952] 1 All E.R. 1123 appeared, a similar mistake occurred before a magistrates' court sitting at Newcastle-under-Lyme. When the

defendant appeared before the court of quarter sessions, the learned recorder adjourned the hearing in order that the defendant might have an opportunity of making application to the Divisional Court. This application came before the Lord Chief Justice and Hilbery, J., and is reported as *R.* v. *Newcastle-under-Lyme Justices Ex parte Whitehouse* [1952] 2 All E.R. 531. The justices' clerk had put in an affidavit admitting the irregularity in the committal.

What will interest many people is the complete absence of delay in putting the matter right, once the Divisional Court became aware of it. The Lord Chief Justice said that the order for *certiorari* to quash the conviction would be made peremptory in the first instance. A telegram would be sent to the prison to say that the applicant was to be released.

Doubtless the Governor of a prison would wish to act as promptly as possible in releasing his prisoner, and he could easily verify the fact that the telegram really came from the court by telephoning to the appropriate official.

A minor point is that the report refers to s. 17 of the Summary Jurisdiction Act, 1879. As the charge was one of stealing a silver cigarette case the relevant enactment would be s. 24 of the Criminal Justice Act, 1925.

Buckinghamshire Weights and Measures Department

Buckinghamshire is a county with few large towns, and High Wycombe is a separate weights and measures authority, but the important Slough Trading Depot includes 295 factories, so that the report of the Chief Inspector, Mr. W. A. Davenport, is by no means confined to agricultural and similar matters. Premises visited also included 2,897 farms, nurseries and smallholdings and 6,302 other premises such as factories, shops, market stalls, public houses, garages, and coal yards, etc. Generally, errors in apparatus were due to ordinary wear and tear, and once again, says the report, the satisfactory conditions of traders' weighing and measuring appliances in the county are emphasized by the statistics.

In some cases, it is necessary for packets of food to state the number of articles of food within the packet. "Not so long ago they (the housewives) were tempted into buying deceptive packets only to find upon opening them that they were far from full.

It has taken many years of patient work by the Institute of Weights and Measures Administration to secure this advantage for housewives. Those manufacturers who in the past suggested the impracticability of such statements being given with any degree of accuracy now mark their goods correctly and without apparent difficulty. They are most co-operative in these matters and have the satisfaction of knowing that the deceptive packet once used in the sale of food has almost, if not completely, disappeared." Similarly, there is a steady improvement in the small percentage of packets of food showing short weight.

We have several times called attention to statements in similar reports to the effect that petrol pumps generally give rather more than full measure, so that the seller is the loser. This report suggests that the present limit of error provided for has become excessive in view of present day accuracy of pumps. An instance is quoted in which it was calculated that the seller was losing as much as £10 a week.

Fertilizers and Feeding Stuffs

The production of food, both animal and vegetable, being of increasing importance it is a matter of considerable concern if articles sold as fertilizers or feeding stuffs are of poor quality or even fraudulently described.

The Buckinghamshire report gives some striking and disquieting examples.

"The analysis of samples taken during the year has shown as usual that a high percentage of articles sold as fertilizers or feeding stuffs are unsatisfactory.

"A balancer meal was 27.0 *per cent.*, a whale protein 23.0 *per cent.* and calf nuts over 15.0 *per cent.* deficient in oil. A pig meal was over 12.0 *per cent.* deficient in albuminoids and a sample described as 'oatfeed meal' was nothing more than ground oat husk containing a little oatmeal. An article described as 'fish guano' which is really a fertilizer, was being sold for feeding purposes and on analysis this was found to consist of a mixture of fish waste and vegetable debris in approximately equal proportions; it was in fact a grossly adulterated fish meal.

"Samples of bone meal have contained as much as 10.0 *per cent.* sand, a sample of garden lime was over 11.0 *per cent.* deficient in calcium hydroxide and a sample of liquid condensed blood was 11.7 *per cent.* deficient in nitrogen and 53.0 *per cent.* deficient in soluble phosphoric acid. An article sold as fish guano contained a considerable amount of vegetable matter and was in fact a mixture of whale meat and vegetable matter and not one of fish guano at all."

Mr. Davenport suggests that the criminal sections of the statute should be amended so as to provide a more effective deterrent to the fraudulent or criminally negligent manufacturers or dealers.

Police Representative Organizations and Negotiating Machinery

Unanimity within a committee comprising representatives of divergent interests is seldom achieved, and no exception has been provided by the committee appointed by the Home Secretary two years ago to examine and report upon the detailed measures arising out of the recommendations as to representative organizations and negotiating machinery contained in the report of the committee on Police Conditions of Service (the Oaksey Committee, Cmd. 7831), Part II. There was, however, a measure of agreement within the committee over much of the field covered by their inquiry, and it is better that a committee should have met and discussed and formulated contentious matters for the information of the Home Secretary than that these should have become badly aimed shuttlecocks in a battle of immature arguments and counter-arguments when he endeavoured to implement the recommendations of the Oaksey Committee.

A major achievement of the recent Committee on Representative Organizations is the formulation, in Appendix I of their report, of suggested constitutions for the Police Federation (to consist of all members for the time being of police forces in England and Wales below the rank of superintendent) and the Superintendents' Association. At one stage in the committee's deliberations it was contemplated that the Chief Constables' Association should be dealt with on precisely the same lines as other representative bodies, but representatives of the Association ultimately came to the conclusion that they should not ask for any charter or constitution; the committee comment that it is common ground that any organization representing chief officers of police should be subject to the same general restrictions as apply to other similar organizations within the police service.

The first of various reservations made by representatives of the County Councils' Association and the Association of Municipal Corporations concerned objection to the Oaksey

committee's recommendation that agreement on the Police Council or its panels should be on the basis of unanimous agreement of all the components represented; in the view of the local authorities' representatives it is an indispensable pre-requisite to the operation of any negotiating machinery on the "police authorities" side that their deliberations should be concluded on the basis of a simple majority vote. Another reservation expressed the view that decisions of the Police Council and its panel should become binding of themselves and not necessarily be the subject of regulations made by the Secretaries of State, a procedure regarded as unnecessary and wasteful of manpower as well as being the source of difficulties.

Additional reservations by representatives of the Association of Municipal Corporations concluded with a strong contention that representation on the proposed Police Council should be granted to the Secretary of State for the Home Department and not to the Home Office. Parliament, the A.M.C. representatives observed, has deliberately decided from time to time that it is wiser to have many smaller police forces under local control rather than that the control should be placed in the hands of a Minister of State; even when Parliament eventually felt it necessary to give the Secretary of State for the Home Department power to prescribe, among other things, uniform rates of pay for the different ranks of the police forces they wisely decided that he must first consult the Police Council before exercising that power. Doubtless, the A.M.C. representatives will be widely supported in their feeling that there is a tendency at present for the Home Office to encroach more and more into the province of the police authorities and that in the final analysis it will be found that this is not the desire of Parliament.

Report of the Board of Control

The report of the Board of Control to the Lord Chancellor for the year 1951 contains the now familiar complaint of shortage of staff. There is no doubt that the present demands for labour in factories and elsewhere, and the high wages often obtainable make it difficult for many departments and undertakings to obtain staff necessary for their requirements. Commenting on an actual deficiency of accommodation in mental hospitals to the number of 16,124 beds the report accounts for 1,748 beds as due to a shortage of nurses. It is anticipated that it will be some time before this shortage can be made good.

The general standard of physical health among patients in mental hospitals is not good in comparison with that of the general population, says the report. The incidence of tuberculosis among resident patients remains high, though it and the death rate from the disease have both fallen.

The four hospitals registered for the reception of persons suffering from mental illness were visited during 1951 and were found to be in their usual good order. The twelve houses licensed by the Minister of Health and sixteen licensed by provincial justices were also found to be generally satisfactory. Patients in private single care have declined to a very small number, partly no doubt because this is an expensive form of treatment.

In view of recent events at Broadmoor, it is worth while to have the opinion of the Board of Control on its management: "This institution was regularly visited during the year. The shortage of nursing staff still persists and financial restrictions have again caused the postponement of much needed improvements. In spite of these handicaps, however, it continues to be ably administered and to reflect credit on the medical, nursing and other staff."

The general results of the work of the Board and its institutions are given very briefly as follows:

Discharged and Departed:	
Recovered	15,860
Relieved	26,870
Not improved	6,705
By operation of law	723
"Not now insane"	9
Transferred (under Order) to other care	2,434
Died	13,008
Remained at end of year	148,071
	213,680

Loans Sanctioned

The Minister of Housing and Local Government has published the usual details regarding loans sanctioned to local authorities in England and Wales during the quarter ended June 30, 1952. The total shows a considerable decrease of approximately fifteen *per cent.* compared with the corresponding figure for the previous quarter; it is indeed lower than for any quarter since June, 1950.

The very high level of loans sanctioned for housing purposes during the March, 1952, quarter has not been maintained and has fallen to the average level for 1951. Loans sanctioned for educational purposes also show a decrease over the corresponding figure of the previous quarter, thus conforming to the general trend for this service over the last two and a half years. Compared with the figure of £7,382,000 during the last quarter, loans sanctioned for educational purposes during the quarter ended December 31, 1949, amounted to £24,472,000.

The declining trend in the amount of loans sanctioned for sewerage and sewage disposal purposes has continued and at £1,645,000 is lower than for any quarter since 1949. There are also substantial decreases in respect of loans for the benefit of the district, physical training and recreation, refuse collection and disposal, town halls and offices, smallholdings, libraries, health services, children, police, and town and country planning. Increases are recorded for highways, fire, coast protection and water supplies.

The following figures are taken from the Ministry's statement:

	£000
Housing—Erection	60,573
—Advances	6,187
Education	7,383
Water	3,374*
Sewerage	1,645*
Town and Country Planning	1,246
Highways	752*
National Assistance	643
Fire Services	390
Police	335
Public Lighting	279*
Children's Services	215
Other Services	2,687
	£85,709

* After allowing for grants.

Housing predominates with seventy-eight *per cent.* of the total; educational services take nine *per cent.*, water supplies and sewerage six *per cent.*; the remaining services total no more than seven *per cent.* In December, 1949, housing was taking sixty-three *per cent.* of the total loans sanctioned and education twenty-six *per cent.*

SOME RECENT ACTS OF PARLIAMENT

A number of statutes were passed into law on August 1, 1952, and we propose in this article to call attention to some of them which may be of particular interest to our readers. We exclude the Magistrates' Courts Act, 1952, and the Costs in Criminal Cases Act, 1952, because we have already dealt with these while they were still before Parliament, and no changes of any importance have been made in them.

HYPNOTISM ACT, 1952

This is described as an Act to regulate the demonstration of hypnotic phenomena for purposes of public entertainment. It is to come into force on April 1, 1953, and extends to Scotland, but not to Northern Ireland. We propose to deal with it so far as it affects England and Wales, there are minor variations in the application to Scotland.

"Hypnotism" is defined as including hypnotism, mesmerism and any similar act or process which produces or is intended to produce in any person any form of induced sleep or trance in which the susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased, but as excluding hypnotism, mesmerism or any such similar act or process which is self-induced.

By s. 1, in an area where licences are granted by the appropriate authority for the regulation of places kept or used for public dancing, singing, music or other similar public entertainment there is to be power to include in the licence conditions regulating or prohibiting the giving of demonstrations, etc., of hypnotism on any person at the place to which the licence relates.

By s. 2, in places in which no licence as aforesaid is in force, demonstrations, etc., of hypnotism on any living person (the adjective does not appear in s. 1) are forbidden at any public entertainment unless authorized by the "controlling authority." This authority is defined as meaning :

(*a*) in a place in an area referred to in s. 1, the authority having power to grant licences of the kind referred to in that section ;

(*b*) elsewhere in England the council of the county borough, borough, or urban or rural district where the place in question is.

A person giving a demonstration, etc., in breach of s. 2, or of any conditions imposed thereunder, shall be liable on summary conviction, to a penalty not exceeding £50.

So far as s. 1 is concerned, any offence will be dealt with as a breach of a condition of the licence in which the special conditions have been included.

Section 3 prohibits any demonstration, etc., of hypnotism at, or in connexion with, any public entertainment on a person under twenty-one. The maximum penalty for an offence against the section is £50, and there is a defence of reasonable cause to believe that the person had attained that age.

By s. 4 a police constable may enter premises where he has reasonable cause to believe that an act is being or may be done in contravention of the Act.

Section 5 saves demonstrations (other than at or in connexion with an entertainment) for scientific or research purposes, or for the treatment of disease.

HEATING APPLIANCES (FIREGUARDS) ACT, 1952

Here is an Act introducing yet more regulations and restrictions into a life already over-complicated by such things, and yet one cannot say that its purpose is not a good one.

By s. 5 the Secretary of State may make regulations for the purposes of the Act requiring gas fires, electric fires and oil heaters of such kinds as may be specified to be fitted with guards, and prescribing the sort of guard, with the object of reducing or preventing the risk of fire or injury resulting from accidental contact with, or proximity to, flames or heating elements. Subsections (2) and (3) deal with details which may be prescribed by such regulations.

Section 1 creates offences punishable, by virtue of s. 3, on summary conviction by a fine not exceeding £50. By s. 3 (2) a director, manager, secretary or other similar officer of an offending body corporate is to be deemed guilty of an offence *if it is proved* that the corporation's offence was committed with the consent or connivance of or to be attributable to neglect on the part of the officer concerned. Note that the onus of proof is on the prosecution. "Director" is specially defined for the purposes of bodies corporate concerned with the carrying on of nationalized undertakings ; and any person purporting to act in the capacity of any of the officers made liable by the section is equally within it.

The persons made liable by s. 1 are those who, in the course of any business, sell, let under a hire-purchase agreement or on hire, or offer or expose for sale or for letting under a hire-purchase agreement or on hire any appliance required by the regulations to be fitted with a guard and the appliance is either not so fitted or the guard does not comply with the regulations. The section details five sets of circumstances in which no offence is committed. These cannot be suitably summarized and would occupy too much space to be reproduced here in full.

The "anti-snoopers" will take exception to s. 2, which enables a local authority to give written authority to any of its officers to inspect and test any appliances, required to be fitted with guards, which are kept on premises in the authority's area for the purpose of being sold or let in the course of a business. An offence against s. 3 is committed by any person who wilfully obstructs anyone exercising his powers under s. 2.

By s. 4 a local authority in England or Wales *may* institute proceedings for any offence against the Act committed in its area.

"Local authority" and "hire-purchase agreement" are defined in s. 7. In England and Wales the former means the council of a county borough or county district, the council of a metropolitan borough, or the Common Council of the City of London.

The Act extends to Scotland but not to Northern Ireland and is to come into operation on such day as the Secretary of State may by order appoint.

AFFILIATION ORDERS ACT, 1952

This Act comes into force on the expiration of one month beginning with the date of its passing, *i.e.*, on September 1. Sections 1 and 2 deal with England and Wales, and s. 3 with Scotland. The Act does not extend to Northern Ireland.

The Act increases to 30*s.* the maximum weekly payment which a putative father may be ordered to pay under an affiliation order ; and any such order may be varied, under s. 30 (3) Criminal Justice Administration Act, 1914, so as to increase the amount payable to an amount within the new maximum, even though the order was made before the passing of the new Act.

By s. 2 affiliation orders may, under the aforesaid s. 30 (3), be varied or revised so as to provide for their continuation in

force after the child in question attains the age of sixteen. This can be done, on the application of the child's mother, if it appears to the court that the child is, or will be, engaged in a course of education or training after attaining the age of sixteen and that it is therefore expedient for the payments to continue. Any such extension of an affiliation order may be made for a period up to two years from the date of the extending order. More than one such extension may be ordered, provided that an extension may not continue beyond the date when the child attains the age of twenty-one. There are limitations on the use of this provision. After a child attains the age of sixteen, no payments under an affiliation order shall be required to be made while he is detained in an approved school, or is in the care of a local authority under the Children Act, 1948, s. 1, or is committed to the care of a fit person under the Act of 1933. In the last two cases, however, the payments may be required during any period when the child is allowed to live with his mother. Then comes a curious provision. Section 2 (4) (*b*) enacts that payments shall not be required to be made to any person other than the child's mother. This seems clear enough until we come to s. 2 (7), by which any reference to the child's mother is to be taken as including a reference to any person for the time being having the custody of the child, either legally or by an arrangement approved by the court, but excluding a local authority under s. 1 of the Act of 1948 or a fit person under the Act of 1933. This extension of the definition of mother applies equally to the application for the extension of the payments after the child becomes sixteen. Payments to the "mother" may be made through a collecting officer or other authorized person. By s. 4, chapter VII of Part VII of the Income Tax Act, 1952, is to have effect as if an affiliation order were included in the orders mentioned in s. 205 (2) para. (*a*). The effect of this is to bring orders extended by virtue of this Act within the category of "small maintenance payments" so that payments must be made without deduction of tax.

CHILDREN AND YOUNG PERSONS (AMENDMENT) ACT, 1952

Probably no statutes are more subject to amendment than those relating to children and young persons. Here we have some further changes.

By s. 1 a child or young person is to be deemed to be in need of care or protection if, having no parent or guardian or one unfit to exercise or not exercising proper care and guardianship, he is ill-treated or neglected in a manner likely to cause him unnecessary suffering or injury to health. This is an extension of the definition in s. 61 of the Act of 1933.

To ensure that cases are duly investigated, a local authority is required by s. 2 to cause inquiries to be made (unless satisfied they are unnecessary) whenever they receive information suggesting that a juvenile may be in need of care or protection.

Section 3 makes provision for courts to send suitable children under twelve years of age to "special reception centres" instead of to remand homes when such children have been found guilty of an offence and remanded without bail. This provision applies where a local authority gives notice that accommodation for the temporary reception of children provided under the Children Act, 1948, s. 15 (2) is available for the time being for the custody of children sent there from the area specified in the notice. By subs. (3), the powers of variation given by the Criminal Justice Act, 1948, s. 27 (5) are widened, for courts within a "specified area" in the case of children under twelve, to enable suitable variations to be made in connexion with these special reception centres; and by subs. (4), within such an area, the police may cause children under twelve to be detained in such a centre instead of in a remand home (*see* the Children and Young Persons Act, 1933, s. 32).

By subs. (5) the Children and Young Persons Act, 1933, s. 78 (1) (2) and (4) and the 1938 Act, s. 6 (2) and (3), are to be read as if references therein to a remand home included references to a special reception centre. Section 78 deals with the custody of juveniles in remand homes and with escapes therefrom, and s. 6 deals with those who become in need of medical treatment while under detention.

By s. 4 the powers of variation in the Criminal Justice Act, 1948, s. 27 (5) may be exercised also by any summary court having jurisdiction in the place where the juvenile who is committed is for the time being, and if such a court so acts the clerk of that court must notify the court which originally committed the juvenile, and the local authority and chief officer of police for the area of that original court.

Section 5 removes the proviso from s. 64 of the Act of 1933, so that in the case of a juvenile who is proved to be beyond control, an approved school order may be made without the consent of the local authority. Courts dealing with such applications must notify the appropriate probation officer and local authority of the day and hour when the application is to be heard. This, in the case of charges and care or protection cases, is required to be done by the "responsible person" under s. 35 of the Act of 1933, and s. 35 (2) will apply as if the notification were given under that section.

By s. 6 courts are required in certain cases to send a juvenile in whose case they make an approved school order to a "classifying school." This provision applies when the court has been notified by the Secretary of State that such a school is available for the reception of persons of a class or description specified in the notice. There is an exception to this requirement when a court is satisfied that for some special reason it is undesirable to send a particular juvenile to such a school. The reason must be stated in the order, and the managers of the school to which he is sent must be willing and able to receive him.

By s. 8 amendments are made in the 1933 Act, s. 11, "twelve" being substituted for "seven" as the age of a child in whose case the special provisions as to safety precautions against the danger of burning are to apply, and other heating appliances being included as well as fire grates. Readers of this article will remember, in this connexion, the Heating Appliances (Fireguards) Act, 1952.

The Act does not extend to Scotland or Northern Ireland. It comes into force on October 1, 1952. There is a schedule of consequential amendments.

NEW COMMISSIONS

SOMERSET COUNTY

Mrs. Mary Bowden, Paul's Ash, Wincham, nr. Chard.
Mrs. Jean Stevenson Calvert-Jones, Coleshill, Spaxton, Somerset.
Brigadier Arnold de Lerisson Cazenove, C.B.E., D.S.O., M.V.O., The Old Manor, Ham, Shepton Mallet.
William Harold Cox, Sungate, Upper Swainswick, nr. Bath.
Air Vice-Marshal Percy Eric Maitland, C.B., M.V.O., A.F.C., Orchard Hill, East Harptree, nr. Bristol.
Mrs. Edith McGarvey, The Judge's Lodgings, Wells, Somerset.
Commander Edward Neville, The Abbey, Charlton Adam, Somerton, Somerset.
Group Captain Edward Reginald Openshaw, A.F.C., Barrows Croft, Cheddar, Somerset.
Lieutenant-General Sir Reginald Arthur Savoey, K.C.I.E., C.B., D.S.O., M.C., Pitcott Mill, Winsford, nr. Minehead, Somerset.
George Comer White, Northfield, Tower Hill, Williton, Somerset.
Mrs. Marian Grey Williams, West Lodge, Frome, Somerset.
George Coleville Wyndham, Orchard Wyndham, Williton, Somerset.

STEALING SALVAGE

[CONTRIBUTED]

In November, 1951, a case was heard in the Stratford magistrates' court concerning a theft of "salvage," *viz.*, rags, by a refuse collector employed by the town council of Ilford. The prosecution alleged that the material was the property of the local authority, and that the rags had not been separated by the householder, who put them out as part of general refuse for collection. The defence said that, as there was no comparable provision in the rest of the country to that which applied in the metropolis by s. 91 (2) of the Public Health (London) Act, 1936, there could be no property in the refuse vested in the local authority, and that, as the refuse had been abandoned by the householder and was about to be abandoned by the local authority to a tip, there was no property in the goods such as would make the action of taking criminal. Moreover, as none of the refuse had value (Ilford paid another authority for the right to tip in the other authority's area) no person could be guilty of stealing it. Fines were imposed.

In the Divisional Court on April 24 last according to a report in *The Times* newspaper, the Court dismissed an appeal against acquittal in another case. A metropolitan magistrate at Lambeth had refused to convict of theft four refuse collectors who had removed for sale certain scrap metal they found in rubbish which they were collecting. The magistrate had held that the taking of a person of an article of which he believed the owner wished to rid himself was indistinguishable from the case of a person who took something which he believed to be abandoned. The appellant authority pointed out that, by a standing order of the council, the collectors were prohibited from taking anything from refuse they collected, which was the property of the borough council, an order designed to avoid waste of time by collectors in sorting the refuse. The appeal was dismissed. The Court was unable to say that the magistrate was bound to find on the facts that the men acted feloniously; unless a statute provided otherwise, *mens rea* was an essential ingredient of an offence. It is to be noticed that the case was argued broadly—it was not confined to house refuse, which by s. 304 of the Public Health (London) Act, 1936, is defined as meaning "ashes, cinders, breeze, rubbish, night soil or filth." (There is no statutory definition of house refuse for the country apart from London.)

Outside London, a sanitary authority has no direct statutory duty placed upon it to collect refuse. Section 72 of the Public Health Act, 1936, provides that a local authority may, and if required by the Minister shall, undertake the removal of house refuse. In London, s. 88 of the London Act places a duty upon the authority to do so. If the local authority does not do so after seven days notice the occupier can dispose of house refuse, but, subject to that, no person other than the authority may receive, carry away, or collect house refuse.

Generally a householder places the dustbin in a place convenient for the removal of its contents, normally on the householder's own property—though this need not be (and with detached and semi-detached houses will not usually be) upon the "forecourt." With side access, the bin is usually put where it cannot be seen by passers-by: this by-product of English social habit has an incidental bearing upon s. 76 (3) of the Public Health Act, 1936, to be mentioned later. The refuse is put in the bin for the purpose of its being taken away by the local authority, but until it is collected it is not the property of the authority, and the householder (provided he does not commit a nuisance towards his neighbours) can do what he likes with it. He could allow it to be sorted, or even dug in his garden, as he must do (or something similar) when collection is temporarily interrupted. A thief who went upon the householder's premises intent upon finding something of value in the bin would also be liable in trespass.

Although there is nothing outside London comparable to s. 91 (2) of the London Act which provides that house (and street) refuse collected becomes the property of the collecting authority, guidance can be had from London as to what is included in house refuse. In *Lyons & Co., Ltd.* v. *London Corporation* (1909) 73 J.P. 372, house refuse was held to include refuse which consisted of "ashes and clinker, coffee grounds, newspapers, cabbage leaves, egg shells, dust and general dirt, broken crockery, tea leaves, potato peelings, scrapings from sinks and sweepings from rooms." Another important consideration is that a thing becomes refuse only when the owner intends that it shall: *Filbey* v. *Combe* (1837) 1 J.P. 188; *Law* v. *Dodd* (1848) 12 J.P. 677.

To constitute the crime of larceny, the thing taken and carried away must be taken and carried away without a claim of right made in good faith, and must be something capable of being stolen. Everything which has value and is the property of someone is capable of being stolen. Although the onus is on the prosecution to prove the offence, it can hardly be for the defendant to endeavour to prove that the thing which he took was of no value. At the moment, waste paper and other material when separated are of marketable value.

The greater difficulty is to prove property in the collecting authority. Whilst there is not in the provinces any provision comparable to that which makes house refuse collected the property of the authority by statute, s. 76 (2) of the Public Health Act, 1936, provides that the authority may sell refuse (not merely house refuse) collected by them, which raises a presumption to say the least, that the authority has a property to pass on. There is, of course, the paper (*e.g.*) put out especially by occupiers in response to an appeal for waste paper so that the authority may sell it to the mills. In that rather special case, little difficulty should remain in proving property in the authority, but in others, as cases show, the court is disinclined to assume anything against workmen when they are charged with theft of abandoned property. In this connexion, a standing order, being a condition of employment, that refuse is the property of the authority, does not affect the position except civilly between employer and employee. Although this is so, the obvious remedy in the case of employees is disciplinary action, going as far as dismissal in bad cases.

In the case of persons not being employees, there is s. 76 (3) of the Public Health Act, 1936, which makes an offence of sorting or disturbing the contents of dustbins by others than employees of the local authority, when the bins are placed in a street or forecourt, for the purpose of removal of the contents by the local authority. This provision seems almost the equivalent of a monopoly in collection of what is put in dustbins for collection, if the bin is in the position described. This enactment was new in the general law in 1936, being based on local Act precedents, and is not free from difficulty. Suppose the householder changed his mind about some object which had been put into the dustbin, or his wife (as in a case before us recently) to miss a ring from her finger, and to suspect that it had slipped accidentally in among the kitchen refuse. No court,

surely, would convict them for "disturbing the contents" of the dustbin, even though it was on the pavement of the street or on the forecourt. As regards this last word, it may, probably, be taken for granted that a front garden is a "forecourt" for this purpose, but it would take some courage to argue that a side passage giving access to the back garden (a common position for the bin in semi-detached suburban property) was also a "forecourt," and clearly a bin placed round the corner of the house in the back garden (not at all uncommon where there is a scullery door opening to the back garden) is outside the subsection. In such cases, the most practical remedy against a scavenger who appropriates articles found in the bins is disciplinary, and there is no convenient remedy against a tramp (for instance) who does the same, unless the facts are strong enough for larceny to be established.

"EPHESUS"

SHOULD MEMBERS' NAMES BE MENTIONED IN THE MINUTES?

By RAYMOND S. B. KNOWLES, D.P.A., A.C.I.S., A.C.C.S., L.A.M.T.P.I.

Quite apart from the present-day importance of securing economy of words in the preparation of local authorities' minutes and committee reports, it has long been the practice of many authorities to omit from minutes the names of individual members, either as proposers or seconders of motions or amendments or as the authors of *obiter dicta*, however constructive or learned their contribution may have been to the debate or discussion. Posterity, if it gives credit at all to the vision or prescience of local councillors, will give it to the authority as a body and not, as a rule, to the member or members who may well have been largely responsible. Exceptionally, either by virtue of standing orders or statutory requirements, the names of members voting for or against a question are recorded upon specific request. And not a few local authorities translate on to paper the formality of proceedings at council meetings, and record what is in fact a very full if stylized account of the proceedings, with "credits"—as the film people say—to proposers and seconders, including even (in the case of some authorities) the names of the movers and seconders of unsuccessful amendments.

To what extent is it necessary, or indeed desirable, thus to record the contribution of individual members to council or committee deliberations?

A recent pamphlet of the Institute of Public Administration on *Local Authorities Minutes and Reports*—No. 2 in their *Studies of Administrative Methods*, prepared exclusively for corporate members of the Institute—suggests that "the claims of economy," with which the pamphlet is concerned, clearly point to the exclusion of this sort of information.

But there is, surely, a little more to the matter than that. A local authority act on a majority vote of the members present and voting and thus the law is not ordinarily concerned—not ordinarily, be it noted, for exceptionally the law is very much concerned—with the question who voted for and who voted against or who, for that matter, refrained from voting—so long as the minutes, validly drawn up and entered in the minute book and confirmed, show such and such a resolution to have been the decision of the local authority. The names of individual members are only required to be recorded (*a*) to show their attendance at meetings (Act of 1933, sch. 3, Part V, para. 2) though this record need not necessarily appear in the minutes, (*b*) if, at a district or parish council meeting, any member requires that the voting on any question shall be recorded so as to show whether each member present and voting gave his vote for or against that question (sch. 3, Part III, para. 6, and Part IV, para. 5), and (*c*) in such circumstances as local standing orders provide.

Thus it is not essential as a general rule for names to be recorded in the minutes. And what is not essential ought, it is submitted, to be omitted, unless—and a fresh consideration arises for examination—the inclusion of the information in specific circumstances can be justified as desirable.

There is first of all the very human factor that many members like to see their names recorded, particularly when they feel they have made an important contribution to a discussion, even though in actual fact few people outside their own fellow-members or officers ever read council minutes. This is not necessarily a display of *ego*: when names are recorded there is irrefutable evidence of the active and useful participation of individual members in the affairs of the council—and this evidence can be useful on a number of occasions, not least at election time. This is responsible, perhaps, for the widespread practice already mentioned of recording the names of proposers and seconders in council minutes—as opposed to committee minutes.

But it should be realized that members generally make their most useful contribution to the work of local government in committee when proceedings are essentially informal, except perhaps in the case of the larger county committees where size and the presence of press representatives and, probably, the public also, tend to produce an atmosphere rather like that of a council meeting—and committee minutes almost invariably, and very properly, record decisions only. Furthermore, if the wishes of some members were given full rein would there not be the risk of every local authority's proceedings being recorded verbatim in *Hansard* fashion . . . with inexcusable waste of public funds?

It seems to the writer that the recording of names of members should be regarded as exceptional and that the exceptions should be limited to occasions when (*a*) a specific request is made for the recording of names, as may well be justified, for example, upon a division on an important matter of policy—even though such requests may become rather frequent where there is keen political rivalry, and (*b*) a member or members ask for the recording of his or their dissent from a decision, fully justified where a member wishes to dissociate himself on conscientious grounds or—an important point this—where expenditure of doubtful legality is concerned: in the celebrated case of *Roberts* v. *Hopwood* [1924] 1 K.B. 514, at p. 520, for example, a surcharge originally made upon all members of the council was abandoned against four members who had not voted. Exception (*a*) is obligatory in the case of district and parish council meetings but not as regards county and borough council meetings—another of those perplexing differences to which attention was directed in the author's article "*It is Hereby Resolved* . . .", 116 J.P.N. 435.

THE COST OF CHILD CARE

In the current financial year, it is estimated that the cost of the work of child care for which local authorities are responsible will amount in England and Wales to close on £13,400,000, and in Scotland to £1,230,000. It is worth noting that the total cost of £14,630,000 has increased by £5,500,000, that is by sixty *per cent.*, in the short space of four years. The recently published Sixth Report of the Select Committee on Estimates in disclosing this information, together with much more of great interest to those concerned with this comparatively new service, makes a number of recommendations designed to increase efficiency and reduce costs.

In their evidence to the Committee the Home Office officials have adduced the following reasons as accounting for the very large increase in expenditure to which we have referred, *viz.* :

(*a*) New appointments of children's officers, of field staff and office staff, some transferred from other departments of the local authority and some engaged from outside.

(*b*) The need not only to provide field staff adequate to the new requirements in 1948 but also to cope with the rise in the number of children coming into care. Each year this number has increased by about 3,700.

(*c*) Improved staffing of children's homes and nurseries to enable children to be given individual attention.

(*d*) Provision of reception homes and new children's homes to replace unsuitable accommodation and to provide for some of the additional children in care. The number of children's homes increased from just under 600 in 1948 to about 950 in 1952.

(*e*) Improvements in the premises and equipment of children's homes.

(*f*) Increased pay of staffs and increased costs of food, clothing, light and heat, household requisites and general upkeep and maintenance.

Although the general picture is thus one of rapidly rising cost not all sections of the work are equally expensive. Counties and county boroughs discharge their responsibilities either by maintaining children in homes which they themselves provide or in boarding the children out with suitable foster parents. For the current year, 56,000 children will be looked after in one of these ways : most of the remainder amounting to nearly 8,000 will come under the care of voluntary organizations. The number of children boarded out is about 27,000 while 29,000 are maintained in local authority homes, and there is a striking disparity between the costs of the two systems. For 1952/53, it is estimated that the cost per child per week of boarded out children is £1 8*s.* 10*d.*, whereas the comparable cost in local authority homes is £5 5*s.* 1*d.* Put in another way, the annual cost of maintaining 400 boarded out children is £29,987 : the cost of maintaining the same number in homes is £109,287, a difference of £79,300.

The Committee were impressed by these differences in cost. They drew attention to s. 13 (1) of the Children Act, 1948, which makes it clear that local authorities are under an obligation to use boarding-out as the normal method of providing for children in their care, and went on to say : " They (the figures) reveal the striking and most unusual fact that what is generally agreed to be the best method of providing for children in the care of local authorities is also the cheapest. They also point the way toward possible major economies which, far from endangering the fulfilment of the policy laid down by Parliament, would actually promote it."

The Committee then inquired into the factors limiting the progress of boarding out. First, of course, is the extent to which children in care are suitable for boarding out, and here the Home Office witnesses expressed the opinion that between half and two-thirds could be boarded out. The two other factors are the number of foster homes available and the action taken by the authorities, central and local, to increase the numbers of children cared for in this way. Wide differences are quoted. Glasgow has seventy *per cent.* of its children boarded out, and Bournemouth, starting with only twenty-two *per cent.* in February, 1949, had succeeded at the end of March, 1952, in raising the proportion to eighty-two *per cent.* On the other hand London County Council had eighteen *per cent.* of its children boarded out in 1949 and only twenty-four *per cent.* in 1951. Incidentally, the Select Committee disagreed with the London decision not to board out any child without the agreement of its parents, because such a decision limits unduly the number available for boarding out, and they found shocking the Home Office suggestion that certain children became so " institutionalized " that they were unsuitable for boarding out.

They conclude this part of their report by advocating increased publicity about the need for suitable foster homes, emphasis by the Home Office that boarding out is the primary objective, suitable training of children for boarding out and regular exchanges of information about foster homes to assist authorities with difficult areas.

With regard to children maintained in local authority homes, both the County Councils' Association and the Association of Municipal Corporations expressed the view that high costs were due largely to the necessity for compliance with Home Office standards, which were applied much too rigidly. In their view the result of visits and reports by Home Office inspectors was to increase costs, not to reduce them. There is another side to this picture, however. The report of the Curtis Committee drew attention to many unsatisfactory features, including some in local authority homes, and it is understandable that the Home Office should be anxious to improve quickly and to a minimum standard. In the early days of the service their anxiety may have carried them too far and examples of meticulous and detailed control are given in the County Councils' Association Memorandum which support such a view. Of late, however, it is reported that there has been somewhat of a changed attitude, and further improvement may be expected following the Select Committee's recommendation that the Home Office should take steps to ensure that all their officers understand the need for a reasonable degree of flexibility in the application of standards of equipment and that such standards should invariably be made known to local authorities as a whole.

The Home Office freely admit that they exercise no detailed control over the expenditure incurred in running children's homes, and state that only a broad control exists which is applied mainly through the inspectorate on such matters as staffing and catering methods. The Select Committee then express views which lead us to wonder whether their inquiries enabled them fully to grasp the ramifications of Home Office organization. They say that while the Home Office can exercise a general check by scrutinizing a local authority's annual estimates, expenditure on children's homes is not subject to any current control from a purely financial point of view. " The position, therefore, is that the duty of securing economy falls on the Home Office, but that in the absence of a qualified staff and the appropriate machinery it is difficult, if not impossible, for the Home Office to take any really effective action." The Committee then make two suggestions, a good one that the Home Office should make available to all local authorities the body of information which they

collect, and a bad one that there should be set up a new permanent organization within the Home Office with its own secretariat to assemble, collate and distribute all information connected with the financial problems of the child care service. We disagree with this suggestion for several reasons. The first is that small secretariats tend to grow rapidly and become in course of time very expensive. The second is that Finance Departments already exist both in the Home Office and in the county and town halls. That in the Home Office possesses detailed costs of every local authority home, but the impression we obtain from the evidence submitted to the Committee is that this Department initiates few cost investigations. It was stated that one or two reports about costs had been prepared but these were inspectors' reports, and when one member of the Committe suggested that most of the time of the Home Office staff was concentrated on the welfare side and little on the financial, he was not contradicted. This sort of thing is a fundamental weakness of the civil service, where administrators rule and financial men are often small fry. The persons in charge of a service are usually expert in framing and interpreting regulations, and interested in running the service; but often they have little interest in using financial costings to secure economies, or indeed knowledge of how to do it. The professional accountant is not highly regarded in the civil service, and until it is recognized that he is just as indispensable there at high level as he is in commerce and in local government, the weaknesses of control to which the Select Committee drew attention will continue. Thirdly, we consider that local government has already to a large extent done what the Committee suggested about dissemination of financial costs and statistics. The Society of County Treasurers and the Institute of Municipal Treasurers and Accountants have prepared and circulated detailed statements of the cost of child care in every local authority in the country, and action to secure economies has been taken in a number of cases.

We do not think new machinery is required. All that is necessary is a changed outlook.

CHIEF CONSTABLES' ANNUAL REPORTS, 1951

45. KENT

The population of the county is 1,089,103 and the acreage 921,666. Authorized establishment is 1,788 including forty-five policewomen; the actual number at the end of 1951 was 1,457. The Home Office approved during the year that the force be increased by one inspector "in order that the subject of police duties in war and the civil defence training of regular officers and special constables might adequately be dealt with." Six hundred and fifty-two men applied to join during 1951 and forty-six were appointed. There was an increase in strength of twenty-five compared with fifty-nine in 1950 and five in 1949. Twenty-two men resigned, four more than in the previous year. Nine women were recruited and four left the force. The establishment of Special Constables is 3,901 but the actual number so far recruited is 2,241. There are 191 civilian clerks and telephonists, twenty-eight cadets and fifty other male civilian employees. One police dog has been bought and the purchase of a second is being considered.

Indictable offences totalled 12,690 against 11,238 the year before. The chief constable reports: "In my report for 1949 I was able to record for the first time in many years a diminution in the number of crimes committed. The downward trend reported in 1949 and 1950 was not maintained." Increases occurred in respect of larceny and violence against the person; sexual offences dropped by ten *per cent.* The figure fifty-three *per cent.* detected crime is two *per cent.* lower than last year. The value of property involved was £188,741 of which £27,198 was recovered. 1,980 offences were committed by juveniles.

There are 3,219 licensed premises in Kent and 705 registered clubs. One hundred and seventy-seven people were prosecuted for drunkenness against 119 the year before. Thirty-one men and a woman were charged with being under the influence of drink whilst driving.

On the problem of police housing the report adds: "108 standard houses were completed during the year, bringing the total of new houses erected or purchased since the war to 249. In addition ninety-two houses were under construction. At the end of the year fifty-nine men were either in receipt of supplementary rent allowance or travelling a considerable distance to their place of duty and many more were unsatisfactorily housed."

In a special Road Accident Supplement the chief constable reports that during 1951, 149 people were killed and 5,955 injured in road accidents. Altogether there were 11,939 accidents, an increase of 1,256 over the 1950 figure. The killed and injured last year numbered 116 and 5,265 respectively. The fatalities were twenty-eight less than in 1938. "Apart from the terrible tragedy in Gillingham when twenty-four boys were killed in the worst road accident in the history of this country, the total fatalities in 1951 would still have exceeded by nine the 1950 total."

Child fatalities increased from seventeen in 1950 to thirty-eight in 1951, this was partly due to the tragedy at Gillingham, referred to above. Child casualties, including fatalities, totalled 1,206 against 1,008 a year ago.

The Supplement analyses fully the causes of accidents: the periods of day and night when accidents mostly occur and the aspect of accident frequency. Tables and graphs illustrate the figures of killed and injured, the monthly accident rate, road users involved, juveniles involved and vehicles. Two pages of closely typed data deal with causes of accidents during the year under review. The graph on accident frequency shows that between July and September one accident occurred in the county every thirty-five minutes, and from January to March every fifty-two minutes; one injury occurred every hour from July to September and every two hours from January to March.

46. DERBYSHIRE

The population of the county is 685,072 and the area approximately 1,000 square miles or 635,454 acres. The authorized establishment of the force is 840 and at the end of 1951 there were 144 vacancies. The complement of special constables is 2,190 of which 1,289 have been recruited so far. The first police reserve, female clerks, cooks, cadets and mechanics number 784. During the year 326 applications to join the force were received and seventy-nine accepted for appointment; in 1950 the figures were 493 and 117. One policewoman was appointed and one resigned; there are ten vacancies for policewomen. There were fifty-six resignations against sixty-one in 1950.

Indictable offences recorded numbered 5,639 compared with 4,694 in 1950 and 2,431 in 1938; sixty-seven *per cent.* were detected against sixty-five the year before and eighty-seven in 1938. Of the 3,615 detected crimes in 1951, 1,437 were committed by juveniles. Property involved through the commission of crime was valued at £59,739 and £18,759 was recovered.

Road accidents caused eighty-five deaths and injuries to 2,631 people; in 1950 there were sixty-four fatalities and 2,337 people injured.

There are 1,835 premises licensed for the sale of intoxicants in the county and 326 registered clubs.

LAW AND PENALTIES IN MAGISTERIAL AND OTHER COURTS

No. 76.

OFFENCES UNDER SECTION 3, VAGRANCY ACT, 1824

A thirty-five year old housewife was summoned to appear at Swansea Magistrates' Court on July 10 last, to answer a charge laid under s. 3 of the Vagrancy Act, 1824. The charge alleged that the defendant, being a common prostitute, had wandered in a certain named public place and there behaved in an indecent manner. A twenty-seven year old driver was also charged with aiding and abetting the offence, contrary to s. 5 of the Summary Jurisdiction Act, 1848. At the same court, another woman and another man were charged with similar conduct at another named place of public resort.

In the first case, evidence was given that at 9.10 *p.m.* one evening, the defendants were seen to go to a little frequented lane, where two plain clothes officers witnessed sexual intercourse taking place. The defendants pleaded guilty, the man was fined 40*s.*, and the case against the female defendant was adjourned for fourteen days so that the probation officer could obtain fuller information concerning her medical health. The defendant appeared again on August 2, 1952, when she was placed on probation for a period of two years.

In the second case, the two defendants were found carrying out an indecent act at 10.30 *p.m.* on the foreshore, about fifteen yards from the last of the street lamps, and within view of any passers-by. The female defendant pleaded guilty and the case was adjourned for fourteen days for a medical report; the male defendant did not appear and was warned to attend personally. On August 2, the male defendant, who pleaded guilty, was fined £5 and the female defendant was placed on probation for two years.

COMMENT

The writer has detailed these sordid stories because there are a number of points of legal interest attaching to charges laid under s. 3 of this very old Act.

The first point which must strike everyone is that a woman faced with such a charge is gravely prejudiced from the outset of her trial by the fact that the charge itself involves proof that she is a woman of bad character, and this is so contrary to the normal conception of English justice that it is difficult to avoid a feeling of revulsion at the formulation of such a charge.

This particular problem, it will be recalled, was considered by the Court of Criminal Appeal in *R.* v. *Goodwin* (1944) 108 J.P. 159. In that case a charge laid under s. 7 of the Prevention of Crimes Act, 1871 (which is even more prejudicial to an accused) had been preferred, and Humphreys, J., in delivering the judgment of the court, pointed out how important it was that when a charge of such a nature is brought "the prisoner is convicted, not as the result of the appalling prejudice which must in such circumstances be brought against him, but on clear and unmistakable evidence that he committed the particular charge named in the indictment quite irrespective of whether he has committed any other offence." At the end of his judgment, Humphreys, J., urged that those concerned with the administration of justice should remember "that if the facts of a case are such that a man may equally be charged with two offences, one of which involves proof to the jury that he is of bad character, and the other requires no such proof, it is always desirable that the latter should be selected as the charge to be made against him."

In cases similar to those outlined above, it is sometimes possible to prefer an alternative charge which does not necessitate throwing the bad character of the defendant at the court at the outset of the hearing.

It will be appreciated that to secure a conviction under this charge, the prosecution must prove, first, that the defendant is a common prostitute, secondly, that she was wandering in the public streets or public highway or in any place of public resort, and, thirdly, that she was behaving in a riotous or indecent manner. Each of these ingredients has been the subject of judicial decisions, and it may be helpful to remind readers of the effect of those decisions.

The term "prostitute" is one that is used in common parlance, but it should be remembered that its legal signification is wider than the layman may well imagine, for it will be recalled that in *R.* v. *de Munck* (1918) 82 J.P. 160, the term was considered by the Court of Criminal Appeal in a case in which a mother was charged with attempting to procure her daughter to become a common prostitute. There was clear evidence that the defendant was accustomed to go out with her daughter, a child, into the streets, and there accost men, who were taken home, and that she then allowed the men to be for a considerable time in rooms alone with her daughter, and that she received money from these men. When arrested, the defendant requested that her daughter should be medically examined and she was found to be *virgo intacta*. Darling, J., in delivering the judgment of the court upholding the conviction of the defendant, said that the term "common prostitute" was not limited to one who permitted ordinary sexual connexion with all and sundry; "We are of opinion that prostitution is proved if it be shown that a woman offers her body commonly for lewdness for payment in return."

The term "place of public resort" was considered so long ago as 1859 in *Sewell* v. *Taylor*, 23 J.P. 792, and the leading article of the issue of the *Justice of the Peace* for December 10, 1859, which contains a report of the case, commences "One of the most difficult tasks in the construction of statutes is that of assigning a definite meaning to an indefinite expression. The perplexity to which this leads is familiar to all who are accustomed to the consideration of Acts of Parliament." How little things have changed in the past one hundred years!

In *Sewell* v. *Taylor*, *supra*, the court decided that to be a place of public resort a place need not be permanently or continuously public in its nature and that private premises on which a sale by auction is held on a particular occasion are, for that occasion, "a place of public resort" within the section.

Finally, there have been decisions as to what constitutes behaving "in a riotous or indecent manner." It was held in *R.* v. *Duke* (1909) 73 J.P. 88, by Mr. F. H. Mellor, K.C., then a deputy recorder, that a prostitute who merely accosts a man in the street at night, there being no evidence of any indecency in her words or behaviour, is not behaving "in a riotous or indecent manner." This decision would appear to accord with good sense and in addition it is worth noting that the opinion was expressed on p. 36, at 92 J.P.N., that while the section is generally applied as requiring the prosecution to prove that the riotous or indecent conduct is connected with prostitution it can strictly apply also to riotous conduct not so connected.

R.L.H.

PENALTIES

Bristol—August, 1952—stealing a bicycle value £16—twenty-eight days' imprisonment. Defendant entered into a Hire Purchase Agreement for a bicycle, and at a time when he still owed £13 upon it, he sold it to a dealer for £6. Defendant had a previous conviction for a similar offence in respect of a wireless set.

Hull—August, 1952—neglecting two children aged sixteen months and eight weeks. Defendant, aged twenty, locked the two children in a Nissen hut and set off to collect her husband's pay—she did not return for ten hours.

Bristol—August, 1952—malicious wounding—fined £5. Defendant was accused by his brother after a drinking party of having stolen a £1 note from him. The accuser later went outside the house where he was struck on the head by his brother and became unconscious. Next morning the accuser found the £1 note in his trouser pocket.

Sheffield Quarter Sessions—July, 1952—stealing a total of £2,935 from his employers—six months' imprisonment. Defendant, a fifty year old clerk, became obsessed in 1941 with the thought that he might be killed in an air raid and leave his wife unprovided for. He commenced stealing from his employers and the thefts continued until this year when he confessed. Defendant, who had retained the whole of the money, handed over a cheque in full settlement in court and this factor was taken into consideration.

Swansea Assizes—July, 1952—illegally slaughtering twenty-seven cows, fourteen calves and two sheep (two charges)—fined £250. Defendant, a forty-one year old farmer, converted a barn into an abattoir.

Bristol—July, 1952—stealing petrol value 2*s.*—twelve months' conditional discharge. Defendant, whose previous character was good, and who had lost his employment after twenty-two years' service as a result of the offence, stopped the oil tanker that he was driving and filled a small tin with half a gallon of petrol which was later found in his possession.

Barnsley—July, 1952—causing unnecessary suffering to a dog—absolute discharge. Banned from keeping a dog for ten years. Defendant, a seventy year old spinster, fed her three dogs on spinach, oatmeal, apples and pears. Two of the dogs had to be destroyed owing to their condition.

Birmingham—July, 1952—stealing eighty-one eight-penny workmen's bus tickets—fined £20. Defendant, a forty-two year old bus conductress with eleven years' service, took the tickets from the ticket rack of another conductress and issued some of them to passengers on her bus for cash.

REVIEWS

Trial of the Stauntons. Edited by J. B. Atlay, M.A., F.S.A., Barrister-at-Law. London: William Hodge & Co., Ltd., 86 Hatton Garden, E.C.1. Price 15s.

This is a second edition of a volume in the Notable British Trials series, which was first published in 1911.

The trial of the three Stauntons and Alice Rhodes on a charge of murdering Harriet Staunton, wife of one of the accused, is still known as the Penge mystery, and a mystery it will always remain. All four prisoners were found guilty of murder, with recommendations to mercy in the case of the two women. What was alleged was that the prisoners had deliberately starved Mrs. Staunton to death and had in every way neglected her and even, in the case of one of the men, used some violence towards her. The real interest in the trial lies in the conflict of medical testimony. While the prosecution medical witnesses were positive the unhappy woman had been starved to death, eminent specialists called by the defence were equally definite in stating that death was due to meningitis, a disease about which less was known seventy years ago, when this trial took place, than today. Hawkins, J., who tried the case, seems to have treated the evidence of the medical men called by the defence as of little importance because they had not seen the body.

The sequel to the trial was dramatic. Public opinion had been furious against the prisoners, and the verdict and sentence were welcomed. In a few days, however, sensible people had calmed down, and had begun to wonder if the offence of the prisoners was really murder and not manslaughter, if, as seemed possible, the persons who had assumed charge of the woman had accelerated her death by gross neglect, but had not caused, or intended to cause, her death by starvation. Moreover, an influential body of medical men became outspoken and emphatic in representing to the authorities that the opinion of the experts called for the defence was in accord with the best medical opinion and should not have been treated lightly. There was no Court of Criminal Appeal in those days, and so the Home Secretary called in eminent judicial opinion to assist him in re-opening the inquiry. In the result no one was hanged. Alice Rhodes was pardoned and the other three went to prison.

One of the most remarkable features of the trial was the inordinate length of the judge's summing-up to the jury, which lasted from 10.30 *a.m.* until 9.40 *p.m.* This may have been a model of lucidity, but it is impossible that a weary jury, unaccustomed to listening to evidence and speeches, could take it in and be really helped by such a harangue.

The galaxy of brilliant counsel engaged, whose portraits add interest to the book, ensured that the prosecution and the defence alike would be handled fairly, forcefully and competently.

A curious fact is that the inquiry into the death, and consequently the trial itself, might never have taken place but for an apparently trivial incident in a Penge post office. A stranger asked the postmaster where he ought to register a death, mentioning that it was of a lady who had lived at Cudham. A gentleman in the shop who heard this happened to be a brother-in-law of the deceased Mrs. Staunton. Her relations had been worried by not knowing exactly where or how she was, but they believed she was in the neighbourhood of Cudham, and so her brother-in-law's suspicions being aroused he set inquiry on foot, the funeral was stopped and the certificate of death was withdrawn, the coroner being duly informed.

As is usual in this series, the introduction which precedes the full report of the proceedings is admirable.

Observations on the Agriculture Act, 1947, and the Agricultural Holdings Act, 1948. London: Chartered Auctioneers and Estate Agents Institute. Price not stated.

This pamphlet contains proposals for the amendment of these Acts, put forward to the Government in the light of the special experience of many members of the Institute. The Agricultural Holdings Act, 1948, was a consolidating measure; it had to be read with some provisions of the Agriculture Act, 1947, which were left unrepealed. The law had been worked out in most respects between the wars, and those parts of the Act of 1947 which became consolidated with the Act of 1948 gave effect (largely) to agreed amendments. The Act of 1948 has therefore, in the main, stood the test of time, and the observations made by the Institute are largely upon points of comparative detail. Nevertheless they are important, because the Institute, and particularly its country members, can claim peculiar knowledge of the problems with which it is here dealing. Any of our readers who has to do with the law of agricultural holdings will do well to study the pamphlet carefully.

CORONATIONS, CEREMONIAL AND CONFERENCES

(A) THE CORONATION

Most boroughs and urban districts, and a considerable number of parishes for that matter, are concerning themselves with the preliminary arrangements for next year's Coronation celebrations in their respective districts—and a subsidy from the rates will in many cases be an essential pre-requisite. It seems, therefore, appropriate that consideration should be given to the powers of a borough or urban district council to authorize expenditure on such matters from the general rate fund, and in this connexion there are three headings under which the relevant statutory provisions may be considered.

(1) *Expenditure on "entertainment."* Section 132 of the Local Government Act, 1948, enables any county borough or county district council to expend in any one financial year not more than the product of a 6*d.* rate, plus any net receipts, on "entertainment." "Entertainment" is not defined in the Act, and it is not easy to give any exact limits to the extent of the term, but it seems reasonably clear that public dances, concerts, stage plays, etc., are within the section, as are (probably) exhibition athletic events, and it also is arguable that expenses incurred on the provision of carnivals and processions through the streets come within this section (*see The Law of Municipal and Public Entertainment*, by Mr. F. D. Littlewood, the Town Clerk of Cheltenham, at p. 50—an excellent handbook on this subject). Some matters, such as the decoration of streets, the presentation of mugs or other souvenirs for school children, or the giving of free meals for old age pensioners, and the flood-lighting of public buildings, probably could not be brought within this section; moreover, some local authorities may already be committed to the expenditure of a 6*d.* rate on more normal entertainments—especially in the case of a seaside or other holiday resort. Section 132 would not, therefore, seem to cover all the matters on which many authorities will probably desire to expend rate moneys in connexion with the celebrations.

(2) *Expenses of the mayor.* Under s. 18 of the Local Government Act, 1933, the council of a borough may pay to the mayor such remuneration as they may consider reasonable, the intention being, of course, that this remuneration should form a contribution towards the expenses of his office. There is no objection to the sum usually given to a mayor being increased for a particular year, in anticipation of unusual expenses which the mayor for the year may be expected to have to face, as might arise in connexion with the Coronation: *see Attorney-General* v. *Cardiff Corporation* [1894] 2 Ch. 337, which concerned the municipal festivities in connexion with a Royal wedding. The presentation of mugs, the giving of free meals, and other similar matters could thus be properly regarded as part of the expenses of the mayor, and could be paid for by him out of his specially augmented salary; but "no addition should be made to the mayor's salary except it is intended merely for the purpose of the salary, so that the mayor may deal with it in any way he thinks fit as part of his

salary"; *per* Romer, J., in the *Cardiff case*, *supra*. It would not, therefore, be proper for a committee of the council to give instructions to the mayor as to how the increase to his normal salary should be expended, nor should he be expected to accept responsibility for payments not personal to him as mayor, merely so as to give a cloak of legality to payments which should really be the responsibility of the council.

A chairman of an urban district council is now in a position similar to that of a mayor of a borough, for by s. 116 of the Local Government Act, 1948, "a district council may pay to the chairman of the council for the purpose of enabling him to meet the expenses of his office, such allowance as the council may think reasonable." The effect of this section seems to be very similar to that of s. 18 of the 1933 Act, except that in this case, it is even clearer that the sum allowed may be expended only on the chairman's own official expenses.

(3) *Residuary powers.* Enough has been said to have made it clear that some expenditure a council may desire to incur on the celebrations may possibly not be capable of being brought within either of the headings above discussed. Apart from local Act provisions, such as the common section which enables a council to expend moneys on the entertainment of distinguished visitors or on occasions of public rejoicing, what residuary powers are there known to the law? Under s. 228 (1) of the Local Government Act, 1933, the Minister of Housing and Local Government may, if he thinks fit, authorize the expenditure of rate fund moneys on any particular purpose, and in any such case, although the authorization does not legalize such expenditure, the District Auditor will not be able to disallow the expenditure in the accounts of the council, or to surcharge it on the members or officers on whose authority it was incurred. It may be that the Ministry will issue a general order under this section sanctioning all reasonable expenses which may be incurred by a local authority in connexion with Her Majesty's coronation celebrations, as was done in 1911 for the Coronation of King George V; but this precedent was not followed in 1937. If expenses are so authorized in advance, it seems that the courts will not grant an injunction (which is in any event a discretionary remedy) to forbid a particular local authority from taking advantage of the sanction: *Attorney-General* v. *East Barnet Valley U.D.C.* (1911) 75 J.P. 484. Apart from any such general dispensation (or any special legislation of general application, which is not anticipated), an individual local authority could apply for sanction of particular anticipated expenditure.

In practice, it may well be that the District Auditor will not scrutinize too minutely expenditure reasonably incurred on the celebrations, but there is always the danger of the fanatical ratepayer who is prepared to take the matter to the courts as a "question of principle."

(B) CEREMONIAL

Consideration of the Coronation celebrations rather naturally leads one to a consideration of municipal ceremonial generally; several points of law, custom and etiquette arise in practice, and may cause difficulties, and it is therefore proposed to mention a few of the commonest of these. In preparing these notes, the writer is indebted to that useful little book by Mr. R. Tweedy-Smith, an ex-mayor of Southend-on-Sea, which has the cumbersome title of *The History, Law, Practice and Procedure relating to Mayors, Aldermen and Councillors*, published in 1934, and consequently now somewhat out-of-date.

(*a*) *Precedence of the Mayor.* By virtue of s. 18 (5) of the Local Government Act, 1933, the mayor has precedence in all places in the borough, subject only, of course, to the precedence of the Crown and of the Lord Lieutenant of the County when officiating as representative of the Queen; also, the Mayors of Oxford and Cambridge do not have precedence over the Vice-Chancellors of their respective Universities (1933 Act, s. 302 (*b*)). As a consequence of this provision, the mayor should be accorded precedence at all functions he attends—public or private (unless, in the latter case, he attends in his private capacity)—within the borough, and most councils expect their mayor to decline to accept the Vice-Presidency or Vice-Chairmanship of any local organization during his year of office.

Since January 1, 1951 (the date when the appropriate portion of the Justices of the Peace Act, 1949, came into force: *see* sch. 7, Part III thereof, and S.I. 1950, No. 517, repealing s. 18 (9) of the Local Government Act, 1933), the mayor of a borough having a separate commission of the peace has no longer been entitled to preside, by virtue of his office, at sittings of the borough justices; his right to precedence must, therefore, be deemed to have been varied to this extent.

In those boroughs which have a separate court of quarter sessions, the recorder is entitled to precedence in all places in the borough next after the mayor (Municipal Corporations Act, 1882, s. 163 (5), not affected, in this respect, by the 1933 Act), and this should be remembered when preparing the order of a ceremonial procession (although these are normally regulated by local well established custom), table plans for official banquets, etc. It may also be noted that the office of mayoress is not known to the law, and that, apart from the ordinary courtesy due to her as wife of the Chief Citizen of the borough, she has no legal claim to precedence. There is really no necessity for an unmarried, or a lady, mayor to appoint a mayoress, although the practice seems to have become well established. The deputy mayor, when acting for the mayor under s. 20 (3) of the 1933 Act, seems to be entitled to the same precedence as would be accorded to the mayor, but when the mayor is present, the deputy mayor has no particular status as such, except such as may be accorded him by local custom.

There is no provision similar to s. 18 (5) of the 1933 Act, applying to the chairman of a district council, but it is customary for precedence to be accorded to him at official functions, as a matter of courtesy; similarly, the chairman of the county council is usually accorded precedence next after the mayor (and recorder, if present), or chairman of the borough or district in which the particular function is held.

(*b*) *Insignia.* The chain of office customarily worn by the mayor (which has no express legal significance) may not be purchased out of the general rate fund of the borough: *Attorney-General* v. *Batley Corporation* (1872) 26 L.T. 392) and the same rule would apply to the chains and badges of mayoresses, deputy mayors and past mayors, and also to such items as mayoral car pennants (but possibly not, in the latter case, if affixed to a car provided by the council for the use of the mayor on official business), corporation plate, etc. It may, of course, be possible to obtain the sanction of the Minister to some of these items under s. 228 (1) of the 1933 Act, although this is not often granted in such cases.

(*c*) *Reviews of Troops.* When the mayor is reviewing troops, or attending a military parade within his borough, the salute should be given to and acknowledged by, the mayor (assuming the Lord-Lieutenant of the county is not present), the senior officer present accompanying the mayor on the saluting base, together with the town clerk and, in some towns, the mayor's chaplain. When the mayoral party arrive on parade it is usual

for the troops to give a "General Salute"; in such event, the mayor should raise his hat until the salute has been completed. If the troops on parade are inspected, it is customary for the senior officer present to carry out the inspection, and to invite the mayor to accompany him on the inspection. In this event, the officer should precede the mayor round the ranks; but if the mayor himself has been asked to inspect the troops, he will precede any officers accompanying him.

(C) HOLIDAYS AND CONFERENCES

Ceremonies—and the time of year—naturally lead on to holidays. Is the ubiquitous practice of a "council holiday" during August—a period during which no council or committee meetings are held—desirable in these days of "staggered" holidays for industry? The practice means that the clerk and most other chief officers of the council, and probably some of the committee clerks, are expected to take their holidays every year at a time that may not suit them—members also, if they wish to keep a good attendance record, are restricted in the choice of time for their holidays. Personally, we would favour an arrangement of the monthly committee cycle so that each month there should be at least one week, and preferably two, free from committee meetings. Officers and members alike would then have a considerable choice of times when holidays could be arranged without any fear of clashes with many meetings.

Similar consideration might well be given to the question of the holding of the various conferences of local government associations and allied professional organizations; at present these are held at different weeks throughout the year, and at times, several consecutive weeks may pass during which some one or other of the council's chief officers, and probably some of the members, is away at one of the conferences. If all the major conferences were held in three or four pre-selected weeks in different parts of the year, councils would know the dates in advance, and committee time-tables could be arranged so as to avoid these weeks completely; after all, but few individual members or officers attend more than one, or, at most, two, conferences in the same year. It might prove necessary to arrange for a co-ordinating committee to be constituted, representative of all the associations and bodies concerned, but this should not be impossible of achievement.

J.F.G.

PERSONALIA

APPOINTMENTS

Mr. Philip S. Scorer, has been appointed clerk of the peace for the city of Lincoln in succession to the late Mr. W. F. Brogden.

Mr. Robert Henry Buckley, LL.B., has been appointed town clerk of East Ham county borough. Mr. Buckley, who is thirty-seven, was articled to Sir Charles Lee des Forges, then town clerk of Rotherham, and entered the service of Rotherham council in 1937. In 1939 he was appointed assistant solicitor to the East Ham council, becoming deputy town clerk in 1945.

RESIGNATION

Mr. V. G. E. May, town clerk of Wallingford since 1947, has resigned from his position. He has accepted an appointment in Northern Rhodesia.

OBITUARY

Mr. H. B. Greenwood, clerk of the Westmorland county council for thirty-two years until his retirement in 1950, died recently at the age of seventy-two. He was awarded the O.B.E. in 1951.

Mr. Charles Herbert Waugh, clerk to the Cuckfield R.D.C. from 1906 to 1932, died recently. From 1905 to 1932 Mr. Waugh was registrar of the Haywards Heath county court.

Mr. Alfred Phillips Oswin, formerly clerk to the old Foleshill (Coventry) R.D.C., died recently at the age of eighty-one. Mr. Oswin served his apprenticeship in local government work under the late Mr. James Arch. After serving as clerk to the Foleshill council for thirty-two years, Mr. Oswin retired when the R.D.C. became absorbed in the Coventry city council in 1928.

Mr. William Ritchie Smith, solicitor, formerly town clerk of Alyth, Perth, died recently.

BOOKS AND PAPERS RECEIVED

Conditions of Sale for Dairy and Store Cattle at Markets. Recommended for use at markets by The Chartered Auctioneers' and Estate Agents' Institute, The Incorporated Society of Auctioneers and Landed Property Agents, The National Farmers' Union of England and Wales, The British Veterinary Association. Obtainable from The Chartered Auctioneers' and Estate Agents' Institute, 29, Lincoln's Inn Fields, London, W.C.2. Price 1*s*.

DISSOLUTION OF A SOLICITOR'S PARTNERSHIP
(Messrs. Hook, Line and Sinker)

Comes the parting of the partners
As the common venture ends,
Now becoming deadly enemies
But remaining learned friends. J.P.C.

EASEMENT OF LIGHT

This is a mechanically-minded age; from early years we are trained to take for granted, and to use, appliances which, even in the hands of an expert, would have caused our grandparents consternation. The turn of a knob, the flick of a switch, calls into play the potent force that provides us with light and heat, or connects our apparatus with incalculable powers in the ether. Appliances that would have been regarded as miraculous a century ago are now a commonplace in millions of homes.

Human beings who have become inured to the use of electricity in their daily lives may consider themselves in many respects luckier than their ancestors; but the marvels that science has put into their hands are not to be accounted exclusively a gain. Familiarity has bred, if not contempt, a certain cool *insouciance* towards things that once had an alluring mystery about them—something other-worldly that was attractive and yet, at the same time, produced a creepy sensation of a decidedly pleasurable kind. Fascinated as we all are by things incorporeal and immaterial, we crave at the same time to have them explained; but with the very explanation the fascination fades. Stories of the fantastic and the supernatural rivet our attention, and provide a delightful thrill to the nerves, so long as the mystery remains a mystery and gives the imagination free play. With a mechanical or practical elucidation comes a sense of disillusion and disappointment. Such is the perversity of human nature, ever seeking and ever dissatisfied at the successful termination of the search.

It is not only the bounds of human imagination that have become narrowed in this manner; the territory of the ghostly world about us has also been invaded and limited by scientific progress. No banshee wail can compete with the weird noises which, the technicians tell us, are produced by "atmospherics" in the wireless waves; the shadowy appearance in the darkened room is, in itself, no more terrifying than the flickering image on the television screen. All this is extremely discouraging for the poltergeists and other entities that strive hard, against odds,

to keep up appearances in the business of haunting; for them it is a fight for survival, and in the interests of self-preservation they will be compelled either to keep up to date, to adapt themselves to the use of modern methods, or to fade away for ever into the *Ewigkeit*.

Only in some such manner is it possible to explain the unexpected behaviour of the Ghost of Wookey Hole. The name itself is suggestive enough to send a chill down the spine of the most hardened sceptic; time was when the mere mention of the Thing would drive the more timorous of the local inhabitants to look around fearfully before extinguishing the light and, shaking in every limb, to bury their heads deep under the bedclothes. Terrifying tales would recur to their memories; of the dreadful adventure described, eighteen hundred years ago, by Lucius Apuleius in *The Golden Ass*—how at midnight the bolts of the door were burst asunder, revealing the apparition of two ghastly hags who slit the throat of his friend and thrust a sponge into the wound; how the narrator swooned away at the sight; how he awoke next morning to find his friend apparently alive and well, and the whole episode seemingly a terrible nightmare; how they laughed over it and continued on their journey; and how at midday, halting in a field for refreshment, the friend knelt by a brook to drink—and in that moment *the sponge dropped from the wound* and he fell bleeding to death where he lay. Then there is the appalling episode in *Macbeth*, where the Ghost of Banquo rises at the feast and sits in his murderer's chair; and that other scene in *Julius Caesar* where Brutus sits reading in his tent, at midnight, on the Plain of Philippi, and the apparition of his victim stalks in accusingly upon him, while the taper flickers strangely and burns low. Or perhaps his thoughts may turn to Dickens' *Christmas Carol*, when the miserly Scrooge is troubled by strange noises in the cellar, heavy footsteps, with clanking chains, ascending the stairs, and then—

> "It came on through the heavy door, and passed into the room before his eyes. Upon its coming in, the dying flame leaped up, as though it cried: 'I know him; Marley's Ghost!' and fell again."

Or, again, the terrified wretch may recall the awful events described by Dr. M. R. James in *Whistle and I'll Come to You:*

> "He turned over sharply, and with his eyes open lay breathlessly listening. There had been a movement, he was sure, in the empty bed on the opposite side of the room . . . I can figure to myself something of the Professor's bewilderment and horror (for I have in a dream had the same thing happen) . . . to see a figure suddenly sit up in what he had known was an empty bed . . . What he chiefly remembers about it is a horrible, an intensely horrible, face of *crumpled linen*."

We forbear from endangering the reader's sanity with further quotations, but it is proper to emphasize that for all such phenomena the lighting effects are of the utmost importance. Either the haunted man must sit at a table fitfully illuminated by a solitary rushlight or candle, with the recesses of the room in shadow, or the chamber must be in darkness save for the gleams from a dying fire, or the sickly rays of a moon partially obscured by scudding clouds. *Chiaroscuro* seems, in fact, to be as indispensable for a spectre to make an impressive appearance as it was for Rembrandt and his followers to make a work of art. This is a characteristic observed, in lighter vein, by the author of the *Ingoldsby Legends:*

> "From every pore distilled a clammy dew;
> Quaked every limb; the candle too, no doubt,
> *En règle*, would have burnt extremely blue,
> But Nick unluckily had put it out."

We have referred to these matters merely, as it were, to throw light on the subject, and to suggest some explanation of the undoubted fact that, happily, the Mystery of Wookey Hole is a mystery still. For the bold investigators who last week sought a glimpse of the dreaded Ghost by spending a night in the Haunted House were *not* found, in the morning, strangled in their beds, with an expression of horror frozen on their faces, nor even gibbering maniacs, thrusting with their hands at Something that none but they could see. They were alive and unharmed; they had seen nothing untoward, for they had kept the electric light burning all night *in the hope that the Ghost would switch it off*! The mildest stricture we can utter against such unprofessional conduct is that unfair practices of this kind are to be strongly reprehended by all dealers in the occult, as tending to cause permanent injury to the reputation of a haunted house for which even the procedure laid down by s. 146 of the Law of Property Act can provide no remedy. Notice or no notice, no self-respecting ghost will continue to grace with its presence a house where it has once been treated with such tactless contumely, and if the property loses value as a result the owner should recover heavy damages from those responsible.

A.L.P.

IN COURT

I was reading out a Judgment
And I came across some Latin—
O why did he conceitedly
And pompously put that in?

I do not know the language
I really can't pronounce it.
My ignorance is awful—
But why should I announce it?

J.P.C.

PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—Bastardy—*Married woman—Divorce followed by reconciliation—Whether application can be made for order.*

Towards the end of the last war, A, a married woman, gave birth to a child, whilst her husband was serving overseas.

A alleged that B was the father of her child, and when the husband knew of the birth of this child he commenced divorce proceedings (through the services).

A then issued a summons for an order against B, but agreed to withdraw the proceedings when he undertook to pay a weekly sum towards the maintenance of the child.

When the husband returned home, he and A became reconciled; B however continued to pay the maintenance money through the court collecting officer, until recently, when he stopped the payments.

Can A take fresh summons out against B to obtain an order against him in the light of *Jones* v. *Evans* (1944) 108 J.P. 170. SAGE.

Answer.

We take it that the payments through the collecting officer have been under some informal arrangement, as the question states the summons was withdrawn. If Mrs. A is now living with her husband she cannot apply for an affiliation order, *Taylor* v. *Parry* [1951] 1 All E.R. 355.

2.—Criminal Law—*Autrefois acquit—Whether principle applies to defendant found not guilty of stealing who is also charged with receiving.*

1. A is charged before a court of summary jurisdiction with larceny, and as an alternative charge, receiving the same article. The facts necessary to prove each charge are identical. A elects summary trial and the first charge is heard and he is acquitted.

The prosecution then ask that the second charge of receiving be proceeded with. Can A successfully plead *autrefois acquit*?

2. Would the position be any different if the second charge were attempted larceny instead of receiving?

3. In each case, (1) and (2), would it be permissible to have the two charges heard together with the defendant's consent? If so, I presume the magistrates could, if they felt justified, convict in the case of (1) of either larceny or receiving, and in the case of (2) of either larceny or attempted larceny.

If this is so, however, and if in cases (1) and (2) A could plead *autrefois convict* it would not seem proper in his interests to ask him if he consented to both charges being heard together. FYNN.

Answer.

1. In our opinion, no. A has not been acquitted of receiving, and was not in peril of conviction for that offence when being tried for stealing. The evidence relied upon may be the same, but the facts necessary to prove each are different, thus there must be a taking to constitute stealing, and the justices may have found this not proved.

2. No, the elements of the two offences are different.

3. The defendant would certainly not be convicted of both offences upon the same evidence, and therefore we do not quite see the point of this question. If the defendant consents to have the two cases heard together, we see no objection.

3.—Guardianship of Infants—*Jurisdiction—Application by mother to county court, and by father to magistrates' court on same day.*

What is the position with regard to jurisdiction if a mother, who because of her husband's conduct has left him taking with her the two children of the marriage, issues proceedings in the county court of the district where she now resides under the Guardianship of Infants Acts while her husband does the same in the magistrates' court of the district where he resides?

The county court has nominated for the hearing a date some weeks later than that on which the case will come on for hearing in the magistrates' court.

The cases were entered on the same day but it is believed that process of the wife's application was the first to be effected; the magistrates are being made aware on the day that they sit of the position and are being asked to adjourn the matter *sine die*.

Do the county court proceedings take precedence over the proceedings in the magistrates' court so as to oust the jurisdiction of the latter and will the order of entering and service affect the position?

S. "LEETS."

Answer.

We think, having regard to the fact that county courts had jurisdiction in these matters before it was conferred on justices, and to the status of the county court judge, it would be courteous and proper for the justices to await his decision and adjourn their own hearing, unless, of course, the parties agree to have the earlier hearing in the magistrates' court, which seems unlikely in the present case.

4.—Highway—*Rights of way and funeral processions.*

A curious point has been raised, namely, that funeral processions to and from a nonconformist chapel now converted into a factory, and standing behind the premises fronting the street, have created a right of way over a yard running from the street to the factory. A public path across a local estate is said to have been established by the passing of the funeral procession of Henry VIII, and in the case of *Wallis* v. *Purkess* (reported, I think, only in *The Times* of November 8, 1899) the funeral procession of William Rufus was mentioned as evidence tending to establish a right of way. Can you express an opinion as to the value of funeral processions as evidence in establishing a right of way, and quote any books or cases which should be referred to? P. HENRICUS.

Answer.

Funeral processions are only evidence of use by the public in the same way as any other use by the public, except that they may tend to show in the absence of any other evidence that the way is not a highway, being only dedicated for a limited purpose or to a limited class: *see Pratt and Mackenzies*, 19th edn., pp. 1, 13, 14. Funeral processions of bygone monarchs may be more useful as evidence of customary churchways; *see ibid* at pp. 143, 144 and 10 *Halsbury*, 2nd edn., 30.

5.—Husband and Wife—*Jurisdiction of justices—Proceedings in High Court pending—Meaning of "pending."*

I have read with interest your article "Maintenance during Divorce Proceedings." That article does not, however, deal with a point which I think probably gives a good deal of difficulty to magistrates' courts, and that is "when are proceedings pending in the High Court so as to exclude the jurisdiction of justices?"

It not infrequently happens that an application is made to justices on the grounds of, say, adultery, and the complainant quite frankly admits that it is her intention to start proceedings for divorce on the same grounds as soon as possible, and the question arises whether the justices should entertain her application. In actual point of fact, I had one a month ago, when it was argued most strongly on behalf of the complainant that as a divorce petition had not been served, it could not be said that proceedings were pending in the High Court. It was then stated that the sole reason for the application was to get maintenance from the justices since it would take some little time for the complainant to obtain an order for alimony *pendente lite*, and further that it is easier to enforce arrears before justices than the High Court. In the circumstances, I advised the justices to adjourn the case and when it came on again, it was withdrawn since a divorce petition had been served.

I have always taken the view that where a complainant states she is about to take proceedings for divorce, justices ought to decline jurisdiction. SERJ.

Answer.

We do not think the jurisdiction of the justices is ousted unless the High Court proceedings have been actually begun, but we do not disagree with the suggestion that if the justices are satisfied that there is a *bona fide* intention to begin them as soon as possible they may properly adjourn their hearing. It should be remembered that the wife cannot get alimony *pendente lite* until the first step has been taken in High Court proceedings, and it would be hard upon her if she could not resort to the magistrates' court in the meantime since it may ultimately happen that no High Court proceedings are instituted. Of course, the justices should not make an order while High Court proceedings are pending, even if their summons was issued before the institution of such proceedings, *Higgs* v. *Higgs* (1934) 98 J.P. 443.

6.—Local Government Procedure—*Committee—Delegation to sub-committee.*

I refer to P.P. 7, 116 J.P.N. 237 and should be glad to know if your answer would be the same if the report of the fire brigade committee delegating its functions under the Fire Services (Disciplinary) Regulations, 1948, to a sub-committee was submitted to and confirmed by the council. ABO.

Answer.

The principle is that a delegated function cannot effectively be sub-delegated except with express consent of the authority which first conferred that function. If a committee reports to the council that it would like to sub-delegate, and the council approves, the approval will thereafter be effective, though not as regards sub-delegations in the *interim*, *i.e.*, before approval. If a committee reports that it has already sub-delegated, and requests and obtains approval for what it

has done wrongly, the council cannot thereafter complain, and may make itself liable to third parties injured by the sub-delegation, though it cannot acquire rights as against those persons by reason of such *ex post facto* approval. So much for the general principles, which are no more than a common sense application of the principles of agency. But the Fire Service (Disciplinary) Regulations, 1948, No. 545, expressly state in reg. 18 that the fire authority may direct that their functions shall be exercised by a committee. There comes in another principle, *generalia specialibus non derogant*; note the words "may direct . . . shall." We should not regard it as proper, and we doubt whether it is even lawful, for the fire authority to empower its committee to entrust the duty to somebody else.

7.—Magistrates—*Small Tenements Recovery Act, 1838—Form of notice.*

On glancing through the forms of statutory notice which have been used by the council for eviction proceedings before a court of summary jurisdiction under the above Act, I have found that the form is in all effects that specified in the schedule to the Act with one small exception, namely that where the form in the schedule speaks of "apply to Her Majesty's Justices of the Peace acting for the district of ——— in petty sessions assembled to issue their warrant . . . ", the form which has been used by the council merely specifies "apply to Her Majesty's Justices of the Peace acting for the district of ———", and omits the words "in petty sessions assembled."

It has occurred to me that this is a point which some defending solicitor may raise on future occasions and I shall be obliged to have your views as to whether you consider an objection on the omission of these words would be fatal to any application. It is appreciated that the form of the statutory notices should be followed closely but it would seem that the omission of these three words, which are mentioned in the complaint to which the statutory notice is annexed in no way prejudices any defendant. I should be obliged to know whether you know of any authority on this point. E.Y.A.

Answer.

The present regularized system for magistrates' courts is ten years younger than the Act of 1838, and it may be that, if the warrant was in fact obtained from magistrates sitting in petty sessions, the Divisional Court (if asked to decide the technical point) would treat it as purely technical and irrelevant. But the Act of 1838 is so tricky that we advise strict compliance; at the worst no harm will be done by altering the form, and substantial costs (which the council would have to pay) may be saved.

8.—National Assistance Act, 1948, s. 43—*Recovery of cost of assistance—Assessment of resources.*

From s. 43 (2) of the National Assistance Act, 1948, it appears that the circumstances of the defendant at the time of the hearing are to be the basis upon which the justices are to make an order, these circumstances being limited, so far as past maintenance is concerned, to his resources at the time the assistance was given.

Your opinion is asked on two hypothetical cases (*a*) and (*b*).

Wages received before the hearing (*a*) £5 a week; (*b*) £10 a week.

Wages to be received as and from date of court hearing (*a*) £10 a week; (*b*) £5 a week.

In arriving at the amount to be paid for the past period, are the justices bound to consider the wages in each case as being at the rate of £5 a week during that period? F.D.C.W.O.

Answer.

By s. 43 (2) on a complaint the court is to have regard to all the circumstances and in particular to the resources of the defendant, and may order the defendant to pay such sum as the court considers appropriate. Subsection (3) of the same section provides that, for the purposes of subs. (2), when payments in respect of assistance (given before the complaint was made) are under consideration a person shall not be treated as having at the time when the complaint is heard any greater resources than he had at the time when the assistance was given.

In the premises, therefore, we think that in your two hypothetical cases the position is as follows:

(1) The court must take into account all the circumstances. So far as resources are concerned, £5 a week is the maximum earnings they may take into consideration.

(2) Subsection (3) does not apply to this hypothetical case, but we think the problematical reduction in wages is a matter to which the court might properly have regard, under subs. (2).

9.—Rating and Valuation—*Recovery of General and Water Rate.*

An occupier has left this district leaving unpaid general rate and water rate. Summonses have been applied for in respect of these two rates. The police have traced the occupier and report that they are unable to serve the summons as the occupier is now resident in Scotland. The Summary Jurisdiction (Process) Act, 1881, provided for the service of process of English courts in Scotland but does not appear to apply to the general rate because of the saving in the Summary Jurisdiction Act, 1884, where s. 10 expressly precludes the Acts from altering "the procedure for the recovery of or any remedy for the non-payment of the poor rate, or of any rate or sum, the payment of which is not adjudged by the conviction or order of a court of summary jurisdiction." It would also appear that this Act does not apply to the recovery of the water rate, because this is recoverable as a civil debt. The alternative method of service of a summons provided by the Service of Process (Justices) Act, 1933, has been considered, but it appears that this procedure cannot be adopted for the service of a summons outside England. It appears that there is no effective action which the council can take to recover these unpaid rates. CALY.

Answer.

This is probably true in most cases, if only for the practical reason given at the end of our answer to P.P. 11 at 115 J.P.N. 270. In that answer we dealt also with the legal position.

10.—Town Police Clauses Act, 1847—*Local application and enforcement.*

Could you state authoritatively whether the following provisions of The Town Police Clauses Act, 1847, apply to all urban districts, irrespective of size, or do the sections have to be adopted by the local authority: ss. 21 to 29 (obstructions and nuisances in streets); ss. 30 to 33 (fires); ss. 34 to 36 (places of public resort); ss. 37 to 68 (hackney carriages).

In my police division there are five separate urban districts (all outside the metropolitan police division and) all with populations of less than 12,000 and the question has arisen whether the sections I have quoted automatically apply to these urban districts. No local Acts have been made for applying the specified provisions of the 1847 Act to these urban districts. A.T.P.C.

Answer.

The sections quoted, apart from ss. 32 and 33 (repealed by the Fire Brigades Act, 1938), are in force automatically in all boroughs and urban districts by incorporation with s. 171 of the Public Health Act, 1875. Note, however, since your query is put on behalf of the police, that s. 253 of that Act gives to the local authority, not to the police, the function of enforcing most of the provisions of the incorporated sections.

OFFICIAL AND CLASSIFIED ADVERTISEMENTS, ETC. (*contd.*)

CITY OF NOTTINGHAM

Appointment of Full-time Female Probation Officer

APPLICATIONS are invited for the appointment of a full-time Female Probation Officer.

Applicants must not be less than twenty-three nor more than forty years of age, except in the case of a serving probation officer.

The appointment will be subject to the Probation Rules, 1949 and 1950, and the salary will be according to the scale prescribed by those Rules.

The successful applicant may be required to pass a medical examination.

Applications, stating age, present position, qualifications and experience, together with copies of not more than three recent testimonials, must reach the undersigned not later than September 17, 1952.

W. M. R. LEWIS,
Secretary of the Probation Committee.

Guildhall,
Nottingham.
August 28, 1952.

EAST RIDING OF YORKSHIRE COUNTY COUNCIL

Senior Assistant Solicitor

APPLICATIONS are invited for the above appointment from solicitors qualified to conduct the legal work of the County Council. The salary will be in accordance with the National Joint Council's A.P.T. Scale, Grade X, at present £870 per annum, rising by three annual increments to £1,000. A higher initial salary within the scale will be offered if justified by qualifications and experience. The conditions of service of the National Joint Council, as adopted by the County Council, will apply, and the appointment, which will be superannuable, will be subject to satisfactory medical examination. Applications, stating age, qualifications and experience, and giving the names of three persons to whom reference may be made, should reach the undersigned not later than September 29 next. Canvassing or failure to disclose any known relationship to a member or senior officer of the Council will disqualify.

T. STEPHENSON,
Clerk of the Council.

County Hall,
Beverley.

SURREY PROBATION AREA

Appointment of Full-time Female Probation Officer

APPLICATIONS are invited for the appointment of a full-time female probation officer. Applicants must be not be less than 23 nor more than 40 years of age, except in the case of a full-time serving probation officer.

The appointment will be subject to the Probation Rules, 1926-50, and the salary will be in accordance with the prescribed scale.

Applications must be made on forms to be obtained from the undersigned, and should reach him not later than Monday, September 22, 1952.

E. GRAHAM,
Secretary of the Surrey Probation Area Committee.

County Hall,
Kingston-upon-Thames.

SODBURY RURAL DISTRICT COUNCIL

Appointment of Legal Assistant

APPLICATIONS are invited for the above appointment at a salary in accordance with Grade III of the A.P.T. Division (£525 × £15 −£570).

The appointment is subject to the provisions of the Local Government Superannuation Act, 1937, and the successful applicant will be required to pass a medical examination.

Previous experience in a Local Government office is desirable but not essential. Applicants should possess a good general legal knowledge particularly in conveyancing.

Applications, stating age, qualifications and experience, together with particulars of present and previous employment, and giving the names of two persons to whom reference may be made, should be forwarded to the undersigned before Thursday, September 25, 1952.

L. C. RYSDALE,
Clerk and Solicitor.

Council Offices,
Chipping Sodbury,
nr. Bristol.

August 30, 1952.

CITY OF COVENTRY

Appointment of Full-time Female Probation Officer

APPLICATIONS are invited from persons who have experience and/or training as a probation officer or social welfare worker for the above appointment.

Candidates must be not less than twenty-three, nor more than forty years of age, except in the case of a serving probation officer.

The appointment will be subject to the Probation Rules and the salary in accordance with the scales prescribed by those Rules. The salary will be subject to superannuation deductions and the successful applicant will be required to undergo a medical examination.

Applications, stating age, present position, qualifications and experience, together with copies of not more than three recent testimonials, must reach the undersigned not later than September 30 next.

A. N. MURDOCH,
Secretary of the Probation Committee.

St. Mary's Hall,
Coventry.

ESSEX PROBATION AREA

Appointment of Female Probation Officer

APPLICATIONS are invited for the appointment of a full-time female probation officer.

Applicants must not be less than twenty-three, nor more than forty years of age, except in the case of serving probation officers.

The appointment will be subject to the Probation Rules, 1949, and the salary will be according to the scale prescribed by those rules.

Applicants should be able to drive a car.

The successful applicant will be required to pass a medical examination.

Applicants, stating age, present position, qualifications and experience, together with copies of not more than three recent testimonials, must reach the undersigned not later than three weeks after the appearance of this advertisement.

W. J. PIPER,
Clerk of the Peace and of the Probation Committee.

Office of the Clerk of the Peace,
Tindal Square,
Chelmsford.

September 2, 1952.

STAFFORDSHIRE COMBINED PROBATION AREAS

Appointment of Full-time Female Probation Officer

APPLICATIONS are invited for the appointment of a full-time female Probation Officer in the area of the Staffordshire Combined Probation Committee.

The appointment will be subject to the Probation Rules and the salary will be in accordance with the Rules together with a travelling allowance. The salary will be subject to superannuation deductions and the selected candidate will be required to pass a medical examination.

Applications, stating age, qualifications and experience, and accompanied by copies of not more than three recent testimonials, must reach the undersigned not later than Thursday, September 18, 1952.

T. H. EVANS,
Clerk of the Peace.

County Buildings,
Stafford.

Amended Advertisement

BOROUGH OF CLEETHORPES

Appointment of Assistant Solicitor

APPLICATIONS are invited for the appointment of Assistant Solicitor. Salary in accordance with A.P.T. Grades Va (£625—£685)—VII (£710—£785) according to experience.

The appointment is subject to the Local Government Superannuation Act, 1937, and to medical examination, and terminable by one month's notice.

Applications to be sent to the undersigned, with copies of two recent testimonials and endorsed "Assistant Solicitor," on or before Monday, September 22, 1952.

G. SUTCLIFFE,
Town Clerk.

Town Hall,
Cleethorpes.
September 5, 1952.

Printed in Great Britain by R. J. Acford Ltd., Industrial Estate, Chichester, Sussex, and published each Saturday by the Proprietors, Justice of the Peace Ltd., at the Office of the "Justice of the Peace and Local Government Review," Little London, Chichester, Sussex. Registered at the G.P.O. as a newspaper. Saturday, September 6, 1952. Price 2s. 3d. with Reports, post free 2s. 5d.; without Reports 1s. 3d., post free 1s. 5d. Subscription rates: £6 per annum with Reports; £3 10s. per annum without Reports.